



# HOUSE DEMOCRATS *of* CONNECTICUT

## *End of Session Report* 2009

UPDATED JULY 21, 2009



Introduction	II
Budget	IV
Banks	1
Children	4
Commerce	5
Education	9
Environment	12
General Law	21
Higher Education	25
Housing	27
Human Services	28
Insurance & Real Estate	32
Judiciary	40
Labor and Public Employees	49
Planning & Development	52
Public Health	56
Public Safety	67
Seniors	71
Transportation	75
Veterans	77

**DISCLAIMER This Document is a Draft – (Updated July 21, 2009)**

This end of session summary represents the bill status as of 11:00 p.m. on June 3, 2009. Please note that while these bills may have been alive at the time, their status may have changed prior to sine die. The summaries are not intended to be a full analysis of the bill but merely an overview.

PLEASE VERIFY THE STATUS OF EACH OF THESE BILLS PRIOR TO USE.



## 2009: Historic Challenges and Historic Solutions

In these challenging economic times, many of our state's problems seem harder to solve. However, with President Obama in the White House and super-majorities in both legislative chambers in Connecticut, Democrats have made significant progress.

While the state budget deficit grew to \$8.7 billion over the next two fiscal years, the House Democrats responded with a fair, honest, responsible, and balanced budget. Together, we have maintained our commitment to protecting Connecticut families and positioning the state for economic recovery, while preserving funding for towns, education, healthcare, job growth, and public safety.

This session will be marked for the historic healthcare reform bills we passed, but many other victories were made by the House Democrats from beginning to end.

As the legislative session began, Democrats succeeded in reducing the current year deficit through a series of deficit mitigation plans that sought new options for reducing the deficit. Democrats successfully conducted a thorough analysis of off-budget accounts and continued to lead the budget discussions by producing the first balanced budget proposal three weeks earlier than normal.

Throughout the session, Democrats continued to provide strong leadership in areas of consumer protection, election reforms, worker's rights, healthcare reform, environmental protection, public safety, and job creation. Despite the unprecedented foot-dragging and filibustering by the House Republicans, Democrats were able to achieve historic victories during the 2009 legislative session:

**Healthcare** – The Connecticut Healthcare Partnership and Sustinet set national landmarks for reform and opened the doors to affordable, quality care for all.

The Connecticut Healthcare Partnership legislation would allow municipalities, small businesses, and non-profits to voluntarily join the state employee health insurance plan, creating a large pool of insured lives yielding significantly lower costs. The legislation would also convert the state health insurance plan from fully insured to self insured, eliminating millions of dollars in overhead costs -- potentially saving the state \$70 million and \$20 million each year thereafter.

Sustinet is a comprehensive plan that lays out a framework for opening the state employees' plan to even more residents and creates a structure for a state-wide healthcare delivery system, while containing costs, promoting preventive care and laying the groundwork for federal healthcare reform.



**Smart Growth** – Regionalism and cooperation offer real relief for local property taxpayers.

The House passed legislation giving municipalities the ability to implement cost saving measures and offer real property tax reform through voluntary regional cooperation.

**Clean and Green** – Democrats stepped up to promote clean energy and a clean environment.

House Democrats led the charge for legislation that would promote the use of clean energy by creating incentives for the use of solar power, and a creative plan to install wind turbines at state prisons providing no-cost electricity to the prison and host community.

Our legislators fought to ban products such as baby bottles and food containers made with the chemical bisphenol-A (BPA). BPA is an industrial chemical with toxic properties.

We also promoted the use of green cleaning products in schools instead of the hazardous cleaning chemicals currently being used in most schools. The legislation has no cost to the state and potential savings for towns.

**Banking and Mortgage Reforms** – House Democrats worked hard to protect your savings and your home. The House unanimously approved a proposal to seize the assets of corrupt money managers like Bernie Madoff, the New York money manager who confessed to running a \$50 billion Ponzi scheme. The legislation expands the state's organized crime statute, Corrupt Organizations and Racketeering Act (CORA), to target fraudulent activity by money managers.

Democrats also authored Legislation aimed at reducing neighborhood blight caused by the growing number of property foreclosures. The bill authorizes cities and towns to utilize state law and local ordinances regarding maintenance of uninhabited properties following the issuance of proper notice to owners of foreclosed real estate. Neighborhood blight compounds problems caused by foreclosures by lowering surrounding property values and inviting vandalism and other crime.

Homeowners received a helping hand from legislation requiring mediation between lenders and defendant borrowers in home foreclosure court. About 70% of foreclosure court cases that go to mediation are resolved successfully.





## The Budget

For each of the past five years, Connecticut has enjoyed surpluses in the state budget and as a result, \$1.4 billion was contributed to the “Rainy Day” fund. However, due to irresponsible investing and lending on Wall Street, a national economic downturn has resulted in a projected \$8.7 billion deficit for the state. Connecticut has been more severely impacted because of the heavy reliance on revenues from Wall Street and therefore faces the 5<sup>th</sup> largest deficit nationally, as a percentage of the General Fund.

House Democrats responded to the budget crisis by taking action before the regular session even started and working on several rounds of deficit mitigation plans, which continued through the last month of session. As part of those plans, House Democrats led the investigation into the state’s off-budget accounts, trimmed several million dollars from unnecessary programs, and implemented the negotiated state employee agreement. On February 4<sup>th</sup>, the Governor delivered her biennial budget proposal to the legislature. Despite the overwhelming deficit, the Governor made a public commitment to resolve the state budget crisis without increasing taxes. In an effort to accomplish this almost impossible goal, the Governor presented a budget that included an across the board increase in all state fees, suspended the state sales tax free week, and delayed a scheduled tax exemption for single filers. This initial proposal fell \$2.7 billion short of the estimated deficit.

House Democrats worked hard to fill the remaining gap that was left by the Governor’s proposal and acknowledged the imminence of the state’s deficit by producing a balanced budget three weeks earlier than usual. The Democratic budget used a balanced approach consisting of spending cuts, borrowing, and tax increases. A large majority of the tax increases came from a progressive income tax proposal, which called for small, graduated increases in income taxes, applied to income brackets above \$250,000/yr for joint filers, with less than a 3% increase at the highest level.

Negotiations between Democratic leaders and representatives from the administration began shortly after the Democratic budget proposal was voted out of committee and continued for several weeks. With slightly less than two weeks remaining in the legislative session, the Governor pulled her staff from out of negotiations and announced publicly that she was committed to a “no tax” budget. The Governor also released a supplemental list of budget cuts that included closures of courthouses and DMV offices, cuts to education and charter school funding, closures of technical high schools, and major cuts to state libraries, services to the blind and disabled, and low-income healthcare services. The Governor’s supplemental proposal still left a deficit gap of over \$600 million.

Surprised by the Governor breaking negotiations to announce her continued desire to create a “no tax” budget and realizing that as a result negotiations would require more time, House Democrats passed an emergency certified resolution calling for a special session to vote on a budget. At the end of the regular session there was still no agreement on a negotiated budget, but House Democrats remained committed to voting on a fair, honest, responsible, and balanced budget before the end of the fiscal year.



With a few days remaining before the fiscal year ended on June 31<sup>st</sup>, House and Senate Democrats passed a budget and sent it to the Governor for her signature. Both the tax and spending package had been significantly revised from the original committee version to reflect compromises made in negotiations. Despite tax revenue reductions and spending cuts of close to \$1 billion, the Governor still refused to sign the compromise budget and sent it back with a veto.





## Banks

### **AN ACT CONCERNING IMPLEMENTATION OF THE S.A.F.E. MORTGAGE LICENSING ACT**

The national foreclosure crisis has put many Connecticut families at risk of losing their homes. This year the House Democratic caucus sponsored legislation that creates safeguards against mortgage foreclosure through different provisions that affect the mortgage lending process, including how lending professionals are licensed, eligibility expansion for state foreclosure prevention programs, and making the state's foreclosure mediation program mandatory.

This bill implements the 2008 federal Secure and Fair Enforcement for Mortgage Licensing (S.A.F.E.) Act by imposing conditions on licensing for mortgage professionals, including education and testing. This bill changes the process for determining eligibility for the Emergency Mortgage Assistance Program (EMAP) by (1) allowing the Connecticut Housing Finance Authority (CHFA) to determine what constitutes a significant reduction in a borrower's income and (2) expanding the circumstances that constitute a financial hardship beyond a borrower's control and changing some of the conditions for repayment. It allows borrowers to apply for the program before they receive notice of intent to foreclose under certain circumstances. It specifies the circumstances under which the lender may proceed with the foreclosure. The bill expands eligibility for the CT FAMILIES refinancing program from homeowners with adjustable rate mortgages to also include those with fixed-rate mortgages.

**Effective Date:** *July 1, 2009, except (1) certain technical changes and the CT FAMILIES provision are effective on passage, and (2) the provision on opening strict foreclosure judgments and certain technical and conforming changes are effective October 1, 2009.*

**Signed by Governor** (PA 09-209 | SB 948)

### **AN ACT CONCERNING THE EMERGENCY MORTGAGE ASSISTANCE PROGRAM**

A loss of income due to illness or job-loss can place a Connecticut family at risk of losing their home. This bill changes the process for determining eligibility for the Emergency Mortgage Assistance Program (EMAP) by (1) allowing the Connecticut Housing Finance Authority (CHFA) to determine what constitutes a significant reduction in a borrower's income and (2) expanding the circumstances that constitute a financial hardship beyond a borrower's control.

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The bill allows borrowers to apply for the program before they receive notice of intent to foreclose if they are 60 days or more delinquent on their mortgage.

**Effective Date:** *July 1, 2009, except for the provision allowing EMAP applications when a person is at least 60 days late on his or her mortgage, which is effective October 1, 2009, and the provision on CT FAMILIES, which is effective on passage.*

**Signed by Governor** (PA 09-219 | HB 6481)



### AN ACT CONCERNING CREDIT CARD OFFERS ON COLLEGE CAMPUSES

College students have been unfairly targeted by the presence of credit card companies on college campuses. Their status as students with little income makes them susceptible to debt and bad credit. This legislation protects young consumers from being targeted by credit card companies on Connecticut public college campuses by requiring the Board of Governors of Higher Education to adopt policies regulating credit card issuer marketing practices.

The bill also prohibits credit card issuer's from taking any debt collection action, including telephone calls or demand letters, against a student's parent or legal guardian, unless the parent or guardian has agreed in writing to be liable for the student's debts under the credit card agreement. The bill defines a student as a person who is under age 21 enrolled full- or part-time at a public college.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-167 | HB 6483)

### AN ACT CONCERNING DEBT REDUCTION SERVICES

This bill regulates and requires certain actions of debt reduction services. It requires debt reduction services to be tax-exempt nonprofit entities, as defined under federal law, to operate in the state. It creates a three-day period during which a consumer may break a debt reduction contract without consequence, and extends this to credit clinic service contracts.

The bill applies to contracts of a credit clinic service or debt reduction service, which includes certain foreclosure rescue services, when the consumer who signs the contract is a Connecticut resident or maintains a home in the state and negotiates or agrees to the contract terms in person, by mail or telephone, or via the Internet while physically present in the state.

Under the bill, the banking commissioner may review any fees or charges a credit clinic or person offering debt reduction services assesses.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-23 | HB 6327)





### AN ACT CONCERNING MORTGAGE PRACTICES

In order to ensure meaningful regulation of the mortgage loan industry and prevent abusive lending practices the General Assembly passed a new law to provide additional protections for borrowers.

The legislation creates the crime of residential mortgage fraud. It provides that a person who commits a single act of residential mortgage fraud is guilty of a class D felony (up to a \$ 5,000 fine, up to five years in prison, or both), while a person who commits two or more acts is guilty of a class C felony (up to a \$ 10,000 fine, up to 10 years in prison, or both).

The legislation also modifies the interest rate that makes a home loan “nonprime”; extends, by one year, the banking commissioner’s authority to adjust interest rate parameters for nonprime loans; allows the commissioner to deem certain mortgage professional license applications abandoned and keep the application fee; applies an existing prohibition against increasing the interest rate after default in certain loans to all residential mortgage loans; and makes minor and technical changes.

**Effective Date:** *October 1, 2009, except for a technical provision and the provisions on abandoned licenses and high cost loans, which are effective on passage.*

**Signed by Governor** (PA 09-207 | SB 949)

### AN ACT CONCERNING NEIGHBORHOOD PROTECTION

The foreclosure crisis has created concerns about the maintenance and degradation of vacant foreclosed properties in Connecticut cities and towns. This bill creates a registration system for tracking the owners of uninhabited one- to four-family dwellings obtained by strict foreclosure or foreclosure by sale. It specifically allows municipalities to enforce against a registrant any provision of the statutes or municipal ordinance on the repair or maintenance of real estate after the municipality has provided notice and an opportunity to remedy the situation.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-144 | SB 951)



## Children

### **AN ACT CONCERNING “STUCK KIDS”**

Currently the Department of Children and Families has very little data on children placed out-of-state, those who are living in psychiatric hospitals, homeless or have run away and are in the custody, care or supervision of the Department. As a result, the vulnerable “stuck kid” population is often overlooked, difficult to quantify and address with early detection and prevention. New legislation requires the Commissioner of DCF to review and monitor these placements and report on their status. Collecting information on these children in a systematic way will enable the state to address the causes behind this population and provide better supports and coordinated services. The first report is due by February 1, 2010 to the Children’s and Human Services Committees.

**Effective Date:** *July 1, 2009*

**Signed by the Governor** (PA 09-96 | HB 5915)

### **AN ACT CONCERNING RESPONSIBLE FATHERHOOD & STRONG FAMILIES**

Citing the social and economic impact of fatherlessness on children, the legislature established several measures aimed at strengthening families and encouraging non-custodial parents to take active roles in their children’s lives. The bill requires the Department of Social Services to report to the Children’s Committee on the effectiveness of child support collection efforts, initiatives aimed at reducing teen fatherhood and the number of noncustodial parents living at or below the poverty level. It requires DSS to seek federal and private grants to promote programs supporting the positive involvement of non-custodial parents with their children. It requires the chief court administrator to submit reports on the Problem Solving in Family Matters Committees to the Human Services and Children’s Committees for review. It also gives family magistrates the authority to order a parent owing child support into an educational, skill-building, work, rehabilitation or similar support program in some support cases. The magistrate may suspend support payments based on a parent’s participation in the program.

**Effective Date:** *October 1, 2009*

**Signed by the Governor** (PA 09-175 | HB 6486)



## Commerce

### AN ACT REQUIRING SMALL BUSINESS IMPACT ANALYSES FOR PROPOSED REGULATIONS

This bill requires any state agency proposing a regulation to identify the way the proposal would affect small businesses. The definition of “small business” means any business with fewer than 75 employees. The law already requires state agencies to determine if a proposed regulation adversely affects small businesses and if it does, to consider other less burdensome ways to achieve the regulation’s goal.

Before adopting a regulation, the legislation requires state agencies to notify the public about how to obtain copies of the small business impact. The agencies must also notify the Commerce Committee and the Department of Economic Community Development (DECD) about proposed regulations that could adversely affect small businesses. Additionally, the bill requires state agencies to inform the public about how it can obtain copies of the small business impact before adopting a regulation.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-19 | HB 5930)

### AN ACT CONCERNING BROWNFIELDS DEVELOPMENT PROJECTS

In recent years Connecticut has taken major steps in promoting the use of properties that had been contaminated due to their prior use (Brownfields) This year the legislature expanded the protections from liability for municipalities when they take various steps to promote brownfield remediation. These steps include entering and inspecting property and acquiring and conveying it to other parties.

The bill makes it easier for parties acquiring a brownfield to recover investigation and remediation costs from those responsible for contaminating the property.

The bill establishes a program protecting brownfield developers from liability for contamination that escape from a brownfield before they acquired it.

Lastly, the bill reduces the regulatory criteria state agencies must meet when developing contaminated mill sites in floodplains. It also requires state agencies and quasi-public agencies to provide for the use of green remediation technologies when soliciting bids, requesting proposals, or negotiating contracts for remediating brownfields.

**Effective Date:** *October 1, 2009, except for the floodplains, Transfer Act, and municipal inspection provisions, which are effective upon passage, and the municipal liability protections, innocent third party status, and reimbursement provisions, which are effective July 1, 2009.*

**Signed by the Governor** (PA 09-235 | HB 6097)



### AN ACT CONCERNING TRADE WITH AFRICA

Africa is considered by many as the last frontier in economic development, meaning it is the least developed of the continents and where trade can produce tremendous mutual benefits to a state like Connecticut. There are many businesses in Connecticut that are eager to enter new markets such as Africa, yet the lack of knowledge and expertise of the region presents a challenge for many. This session the General Assembly passed legislation to assist businesses with working with the continent of Africa.

This legislation requires the Department of Economic and Community Development to conduct a three-year study of programs that promote and assist Connecticut businesses with international trade with African countries with whom the United States has diplomatic relations.

Each year starting on July 1, 2010 DECD must report to General Assembly on the progress of the department's study.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (SA 09-14 | SB 880)

### AN ACT CONCERNING THE TAX INCREMENTAL FINANCING PROGRAM

It is vital that tax revenue gets used in a way that benefits the Connecticut economy. By using tax dollars to continue to fund projects that fix up contaminated properties, create jobs and new business activity, the legislature has done just that. This bill extends the sunset dates for two Connecticut Development Authority (CDA) programs that provide bond financing for large-scale development projects. Both programs use the new or incremental tax revenues these projects generate to repay the bonds (i.e., tax increment financing (TIF)). Current law prohibits CDA from approving new projects under the programs after July 1, 2010. The bill extends the sunset date to July 1, 2012.

The programs use different tax revenues to fund different types of projects. One uses incremental property tax revenues to repay the bonds issued for projects that clean up and redevelop contaminated property or involve the use of information technologies. The other uses incremental hotel, sales, dues, cabaret, and admission tax revenues to repay bonds issued for projects that create jobs or stimulate significant business activity.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-61 | SB 885)



## AN ACT CONCERNING THE DEFINITION OF MEDIAN INCOME IN ENTERPRISE ZONES FOR ASSESSMENT PURPOSES

The U.S. Department on Housing and Urban Development (HUD) annually determines median family income for metropolitan and nonmetropolitan areas based on census data. It uses this data to determine whether someone is eligible for housing or housing assistance under many different programs. This bill changed the criteria under which taxpayers qualify for a property tax exemption when they improve their homes, apartments, condominiums, and other types of residential property in the one of the state's 17 enterprise zones. By law, municipalities must exempt a portion of the property's assessed value attributed to the improvements according to a seven-year schedule.

Improved rental units and those converted into condominiums must be rented or sold only to people meeting certain income criteria. Under current law, these renters or buyers can earn no more than 200% of the municipality's median family income. Under the bill, they can earn no more than 200% of the median income for the area in which the municipality is located, as determined by the U. S. Department of Housing and Urban Development.

**Effective Date:** *Upon passage*

**Signed by the Governor** (PA 09-93 | SB 973)

## AN ACT CONCERNING INTERNATIONAL COMMERCE AND CERTAIN DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT REPORTS

Connecticut has been actively marketing itself as a great place to do business. In order to prove its viability, Connecticut took steps to create a barometer that measures the state's competitiveness. Starting in 2010, the Department of Economic and Community Development (DECD) will prepare a report that will be presented to both the Governor and the Commerce Committee. This economic competitiveness report will detail the state's ability to retain and attract businesses, show how the state's policies and programs affect businesses, show what other states are doing and suggest programs and policies that can help the state's business climate. The reports will be issued by February 1<sup>st</sup> of every year after 2010.

**Effective Date:** *Upon Passage*

**Signed by the Governor** (PA 09-233 | SB 881)





### AN ACT CONCERNING GREEN JOBS

President Obama has made stimulus dollars available to all of the states to improve the economy and get individuals back to work. Some of the forward-thinking behind this initiative has resulted in federal funding for green jobs and green technology. Green jobs and technology are those which involve the use of techniques and equipment that are better for our environment and save on energy costs. The legislature adopted legislation this year to use these federal stimulus dollars towards the creation of green jobs and the implementation of green energy and conservation. An emphasis will be put upon the use of renewable energies within our state, non-profit, and educational buildings. This program will continue until the federal stimulus dollars are depleted. DECD must submit the application for these federal stimulus dollars and report to the Commerce committee by October 1st on the status of the funding.

**Effective Date:** *Upon Passage*

**Vetoed by Governor** (SA 09-16 | SB 1068)





## Education

### AN ACT CONCERNING GREEN CLEANING PRODUCTS IN SCHOOLS

A green cleaning program in our schools can protect students and school employees from a variety of health concerns linked to toxic chemicals. Commercial cleaning products expose students and staff to carcinogens and respiratory irritants known to cause asthma attacks and other health problems.

New and improved green technology will make it possible to have a clean school and a healthy school. To meet this goal, local and regional school boards will be required to implement a green cleaning program to clean and maintain their schools with environmentally preferable cleaning products by July 1, 2011. School districts will be required to use cleaning products that (1) meet guidelines or standards set by a national or international certification program approved by the Department of Administrative Services in consultation with the DEP commissioner, and (2) as much as possible, minimize potential harmful effects on human health and the environment.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-81 | HB 6496)

### AN ACT CONCERNING THE REPORTING OF TRUANCY DATA

Student attendance is a key ingredient in student achievement. New legislation requires boards of education to include information about truancy in their annual strategic school profile report. This information is required by the State Department of Education to comply with federal reporting requirements, i.e. No Child Left Behind. This data must be considered a public record under the Freedom of Information Act.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-143 | SB 940)





### AN ACT CONCERNING HIGH SCHOOL CREDIT FOR APPROVED ONLINE COURSEWORK

By law, parents or guardians of a child between the ages of five and 17 must send the child to public school in their district, unless they can show that the child has graduated from high school or is elsewhere receiving an equivalent education. They may consent to the withdrawal of 16- and 17-year-olds from school, if they personally appear and sign a withdrawal form. Additionally, when parents or guardians withdraw a student, the school district must provide information on educational options for the student.

This bill eliminates the parental consent option for 16-year-olds, starting July 1, 2010. It requires districts to provide information on the availability of online courses. It also requires the withdrawal form to include an attestation from a school administrator or guidance counselor that the information was provided. The bill also makes it easier for a student who withdraws from high school to seek readmission.

The bill allows boards of education to grant credit towards meeting the high school graduation requirement for the successful completion of online coursework. Boards can do this if they have adopted a policy that meets certain requirements.

Finally, the bill requires boards of education to include in their strategic school profile (1) the number of students enrolled in a board of education- or regional education service center-operated adult high school credit diploma program and (2) if available, the extent to which online coursework assists students with credit recovery.

**Effective Date:** *Upon passage*

**\*Died in the Senate** (SB 947)

### AN ACT CONCERNING READMISSION OF STUDENTS

Boards of education can expel students for conduct on or off school grounds or at a school-sponsored activity that violates a publicized board policy, is seriously disruptive of the educational process, or endangers people or property. Under this bill, if a student who committed an expellable offense seeks to return to a district after having been in a residential placement for at least a year, districts may not prevent the student from returning or expel the student for additional time for the offense.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-82 | HB 6567)



### AN ACT CONCERNING EDUCATOR CERTIFICATION

Connecticut took a major step in addressing the inevitable shortage of qualified teachers. This bill encouraged qualified professionals to become teachers by streamlining the certification process. Several changes in teacher training, qualifications, and professional development were addressed in this bill.

The bill establishes new teaching certificates and licenses and creates exemptions from Connecticut's teacher testing requirements to allow teachers from other states, or those whose qualifications do not coincide with Connecticut's existing teacher training requirements, to teach in public schools. As an example, a professional with thirty credit hours of graduate coursework would be considered qualified for certification. Some safeguards for certification include background checks for student teachers, notification to the education commissioner of any disciplinary action, and blocking any teacher whose credentials are revoked from teaching in the classroom.

The bill also makes changes regarding the compliance of charter schools and authorizes two public schools to make one-time curriculum changes. The bill allows boards of education to agree to establish cooperative arrangements to provide special education and healthcare services as well as a behavioral analysis on children with autism. Finally, the bill outlines important deadlines for the Department of Education to apply for federal economic stimulus funds available in the American Recovery and Reinvestment Act of 2009.

**Effective Date:** *July 1, 2009, except for the sections allowing towns to amend FY 10 education budgets, the Wright Tech-Norwalk Community College pilot program, and the waiver for the Wells Road Intermediate School in Granby, which are effective on passage*

**\*SB 939 Died in the Senate** (However, the House and Senate passed virtually identical provisions in HB 6901, PA 09-1.)





## Environment

### **AN ACT CONCERNING BANNING BISPHENOL-A IN CHILDREN'S PRODUCTS & FOOD PRODUCTS & PROHIBITING CERTAIN ALTERNATIVE SUBSTANCES**

Bisphenol-A is an industrial chemical used to make plastics found in such products as beverage containers, protective food can linings, and plastic dinnerware. It has been shown in laboratory studies to be harmful to child developmental processes and adult reproductive systems. Connecticut will ban the sale, manufacture, and distribution of infant formula and baby food stored in containers made with bisphenol-A and reusable food and beverage containers made with bisphenol-A. Banning the use of this chemical in containers of infant formula and baby food will protect children from the harmful developmental and reproductive effects.

**Effective Date::** *October 1, 2009*

**Signed by Governor** (PA 09-103 | HB 6572)

### **AN ACT CONCERNING INDIVIDUAL AUTHORIZATIONS FOR BENEFICIAL USE OF SOLID WASTE**

Some believe that more reform is needed to reduce Connecticut's solid waste levels. More waste has the potential of being recycled. The General Assembly passed legislation this session that makes some simple but necessary and important changes to existing environmental statutes. It will allow for DEP to make individual determinations that an industry's waste materials may be beneficially used rather than disposed of as solid waste. Both the environment and Connecticut businesses will benefit from granting this authority to the DEP.

This legislation allows the Commissioner to issue an individual authorization for the processing or beneficial use of solid waste in manufacturing, or as an effective substitute for a commercial product, as long as it meets certain guidelines required in the bill and the commissioner finds that the solid waste can be reused without harming or threatening harm to the public health, safety, or the environment.

**Effective Date::** *October 1, 2009*

**Signed by Governor** (PA 09-211 | SB 995)





## AN ACT CONCERNING PESTICIDE APPLICATIONS AT CHILD DAY CARE CENTERS & SCHOOLS

Invasive plants grow quickly and aggressively, often displacing or killing plants native to Pesticides can be significantly more dangerous to young children. This act (1) eliminates certain restrictions on when applications of pesticides, other than lawn care pesticides, can be made on the grounds of day care centers; (2) broadens, with conditions, when pesticide applications are allowed in day care centers; (3) establishes who may apply pesticide in the centers; and (4) requires day care center licensees or their designees to determine that emergency pesticide applications are necessary on the grounds of these facilities. The act defines “day care center” as a licensed child day care center, group day care home, or family day care home that provides child day care services.

The act also establishes pesticide application notification requirements for day care center licensees to inform parents and guardians who have requested notice. By law, applications on day care center buildings and grounds cannot be of a pesticide the U.S. Environmental Protection Agency considers a restricted use pesticide, and no child enrolled in a day care center or home may enter an area where a pesticide has been applied until it is safe to do so according to the provisions on the pesticide label.

Prior law prohibited the application of lawn care pesticides on the grounds of any public or private school with students up to grade eight, except in emergencies to eliminate threats to human health. But it allowed, until July 1, 2009, applying lawn care pesticides according to an integrated pest management plan on these schools’ playing fields and playgrounds. The act extends this exception to the ban until July 1, 2010.

**Effective Date:** *October 1, 2009, except for the extension of the lawn care pesticides exception, which is effective July 1, 2009.*

**Signed by Governor** (PA 09-56 | SB 1020)

## AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE INVASIVE PLANT COUNCIL

Invasive plants grow quickly and aggressively, often displacing or killing plants native to Connecticut. Connecticut law already names 81 invasive plants which residents may not import, move, sell, buy, transplant, cultivate, or distribute.

Under this bill, residents will now face a fine of \$100 per plant if they are found in possession of one of these invasive species. This bill bans cities and towns from passing their own laws regulating the sale and transportation of these illegal plants. It also bans state agencies from buying, selling or transporting these plants. The law authorizes the director of the Connecticut Agricultural Experiment Station to inspect nurseries for any illegal plants. However, it does allow the transportation of these plants for educational or research purposes.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-52 | HB 5277)



### AN ACT NAMING THE STATE'S SHELLFISH RESEARCH VESSEL THE "JOHN H. VOLK"

John Volk was a hard-working, dedicated state employee who truly loved his work as director of the Bureau of Aquaculture for 21 years before he passed away in 2007. During his life, John received many honors for his work and passion on behalf of Connecticut and Long Island Sound.

To honor the life of John Volk the General Assembly passed legislation that renames the vessel the Department of Agriculture uses to research and survey shellfish in the Long Island Sound and docks at the Bureau of Aquaculture office in Milford for at least 20 years to the "John H. Volk." If the current vessel is removed from state service, the next most prominent vessel by size and use must also be named the "John H. Volk" until the state acquires a larger and more prominent research and surveying vessel.

For John Volk, his work in aquaculture for our state was not a job – it was his passion. His expertise and the respect he had within the shellfish industry made him invaluable. The recapture of thousands of acres of shellfish beds, the aquaculture laboratory are all a direct result of his work and passion for what he did. While he is missed – this legislation will ensure that he is not forgotten.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-91 | HB 5809)

### AN ACT PRESERVING CERTAIN HORSE TRAILS.

Connecticut trails and greenways that were once created and exclusively used for equestrians are now being paved and restricted to foot and bicycle use. This results in fewer and fewer horse trails every year. Connecticut has a long history of being friendly to equestrians and that legacy needs to be kept alive.

This act requires the DEP commissioner to preserve the following trails for equine use:

1. Larkin State Park trails (Southbury, Oxford, and Middlebury);
2. Airline State Park trails - south and north (Colchester, Hebron, Lebanon, Windham, Hampton, Pomfret, and Putnam);
3. Hop River State Park trails (Bolton, Coventry, Andover, and Columbia);
4. Moosup Valley State Park trails (Sterling and Plainfield);
5. Huntington State Park trails;
6. Natchaug State Forest trails, and
7. Cockaponset State Forest trails.

The act stipulates that (1) it does not prohibit other public uses of the specified trails and (2) DEP's preservation of these trails is not to be considered an expansion of them.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-180 | HB 5108)



## **AN ACT BANNING THE POSSESSION OF POTENTIALLY DANGEROUS ANIMALS & THE IMPORTATION, POSSESSION AND LIBERATION OF WILD ANIMALS**

Recent tragedies highlight concerns over ownership of potentially dangerous exotic pets. Current law bans the possession of potentially dangerous animals. This bill increases the penalty for illegally possessing a potentially dangerous animal, and greatly increases the number of species considered potentially dangerous. It exempts from the ban certain zoos, nature centers, and similar facilities but eliminates an exemption for people who legally owned a potentially dangerous animal on or before May 23, 1983.

This bill also increases the penalties for importing into, or releasing in, the state live fish, wild birds and mammals, reptiles, amphibians, and invertebrates without a DEP permit, and eliminates an exemption for certain small primates. It specifies species that cannot be imported or possessed under any circumstances, but exempts service primates from this restriction when certain conditions are met.

In a separate provision, it also prohibits anyone from operating, providing, selling, using, or offering to operate, provide, sell, or use any computer software or service in the state that allows someone, when not physically present, to remotely control a firearm or other weapon to hunt a live animal or bird. Violation is a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$ 2,000, or both

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-198 | HB 6552)





## **AN ACT CONCERNING A PET LEMON LAW & THE RELEASE OF RABIES VACCINATION RECORDS TO ANIMAL CONTROL OFFICERS.**

When a consumer buys a new dog or cat and it becomes ill or dies within 15 days of being sold from an illness that existed at the time of purchase, current law requires the pet shop to refund the animal purchase price as long as the consumer provides certain documentation from a veterinarian.

This year the General Assembly passed legislation further protecting the consumer as well as the welfare of animals sold in pet stores.

This bill further expands the current laws in the following ways:

1. adds “congenital defects” that adversely affect or will affect a dog or cat’s health to any illness as triggering refund or replacement requirements and gives the consumer up to six months from the sale of a dog or cat that is diagnosed with a congenital defect to take advantage of them,
2. gives consumers 20, instead of 15, days to act when a dog or cat becomes ill or dies from an illness that existed when they bought it,
3. specifically allows the consumer to choose the veterinarian who certifies that a dog or cat died of an illness that existed when it was sold, and
4. increases, to up to \$ 500 from \$ 200, the amount that pet shops must reimburse consumers for the costs of services and medication that a licensed veterinarian provided an ill animal and adds animal with congenital defects to this.

It also requires dogs that licensed pet shops sell to have certificates of origin that identify specific information on anyone who had custody of the animal before sale, among other things; and a licensed veterinarian, upon request of the chief Animal Control Officer (ACO) or any ACO, to provide the officer a copy of a rabies certificate and any associated rabies vaccination records for a dog or cat that has bitten a person or another animal. Veterinarians who refuse to provide a copy commit an infraction.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-228 | SB 499)



### AN ACT CONCERNING FLOODPLAIN MANAGEMENT & MILL PROPERTIES

Current law requires Department of Environmental Protection approval, or an exemption from that approval, for certain state agency actions in or affecting floodplains. In seeking DEP approval, an agency proposing an activity or critical activity must certify to the commissioner, among other things, that the proposal promotes long-term, non-intensive floodplain uses and has utilities located to discourage floodplain development.

The bill exempts from this certification requirement a proposal to use a mill located on a brownfield if the proposing agency demonstrates that the activity (1) is subject to state environmental remediation regulations, (2) is limited to the area of the property where mill uses have historically occurred, and (3) complies with the National Flood Insurance Program (NFIP). An agency proposing a critical activity also must show the commissioner that the proposed critical activity is above the 500-year flood elevation.

**Signed by Governor:** *Upon passage*

**Passed House and Senate** (PA 09-141 | SB 271)

### AN ACT ESTABLISHING A BI-STATE LONG ISLAND SOUND COMMISSION

The Long Island Sound is one of Connecticut's most revered natural resources. Not only is it enjoyed by residents and tourists, it also fosters many industries and businesses that contribute to our state's economy. Connecticut shares the sound and all of the responsibilities and benefits with the State of New York. Because the sound is bordered by both Connecticut and New York the General Assembly passed legislation to create a joint Long Island Sound Commission between the states. Joining together both sides of the Sound, this commission can work to develop a regional consensus that serves both environmental protection and energy needs.

The bill creates a Bi-State Long Island Sound Commission and limits the responsibilities of the existing Bi-State Long Island Sound Committee. The commission must:

- 1) review and consider major environmental, ecological, and energy issues involving (a) Long Island Sound and (b) the lower Hudson River Valley as it affects the Sound;
- 2) seek consensus on strategies and policies on these issues; and
- 3) recommend administrative and legislative action to implement the strategies and policies.

The commission takes effect when New York adopts similar legislation. The bill specifies that it does not supplant or supersede the statutory or regulatory authority of any state or municipal agency concerning the commission's projects, policies, or activities.

**Effective Date:** *July 1, 2009, and when New York enacts similar legislation*

**Vetoed by Governor, General Assembly Veto Override** (PA 09-151 | SB 1078)





### AN ACT CONCERNING THE PRESERVATION OF STATE-OWNED AGRICULTURAL LAND

Farmland and open-space preservation is a key component to protecting the natural beauty of our state. This bill requires the Farmland Preservation Advisory Board to review any state-owned agricultural land, excluding Department of Environmental Protection land, to evaluate permanent preservation methods and make recommendations for further preservation action.

The board must submit its recommendations to the Department of Agriculture commissioner and the Environment Committee by January 15, 2010.

**Effective Date:** *Upon passage*

**Signed by Governor** (SA 09-8 | SB 1082)

### AN ACT CONCERNING NOTIFICATION OF CONTAMINANTS IN DRINKING WATER

This bill requires the public health commissioner, no later than five business days after receiving notice that a public water system violates U. S. Environmental Protection Agency national primary drinking water standards, to notify, either in writing or electronically, the chief elected official of (1) the municipality where the public water system is located and (2) any municipality it serves.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-30 | SB 1021)

### AN ACT CONCERNING BOATING SAFETY

This bill increases the penalty for the crime of killing someone while operating a boat under the influence of alcohol or drugs. It establishes the crime of manslaughter in the second degree with a vessel (e. g. , a boat). This crime will be a class C felony, similar to motor vehicle laws. A class C felony is punishable by a fine of up to \$10,000, a prison term of up to 10 years, or both.

The legislation expands existing law concerning reckless operation of a vessel in the first degree while under the influence to manslaughter in the second degree with a vessel.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-140 | SB 832)



### AN ACT CONCERNING THE RECREATIONAL USE OF CANDLEWOOD LAKE

Candlewood Lake is Connecticut's largest lake and is one of the largest man-made lakes in America. The lake is a treasure to the community and has become a popular tourist area. Because of its beauty, Candlewood Lake suffers at times from overcrowding and recreational user conflict. Many local residents, elected leaders, and the Candlewood Lake Authority believe that the recreational use at Candlewood Lake jeopardizes public safety on the lake. Tragic boating accidents have happened in the past.

To ensure people's safety, the General Assembly created legislation requiring the Commissioner of Environmental Protection in consultation with the chief elected officials of the towns of Brookfield, New Milford, Sherman and New Fairfield and the city of Danbury, to make recommendations concerning the maximum boat length and maximum motor size permitted on Candlewood Lake by February 1, 2010. The recommendations made should consider the public safety, public access, public pump out facilities, noise pollution, user conflict and the carrying capacity of the lake.

**Effective Date:** *Upon passage*

**Signed by Governor** (SA 09-12 | HB 5823)

### AN ACT CONCERNING MILK PRODUCERS, MILK & MILK PRODUCTS, AGRICULTURAL NOT-FOR-PROFIT ORGANIZATIONS & THE MODERNIZATION OF CONNECTICUT FERTILIZER LAW

To protect consumers and save a very important industry to our state, the General Assembly passed legislation to update the laws regulating fertilizers, change the law concerning adulterated milk, and create a grant program to assist dairy farmers.

The legislation updates fertilizer laws by replacing current law's provisions, which are based on a 1965 recommended model law from the Association of American Plant Food Control Officials (AAPFCO), with the most recent AAPFCO recommended version.

The legislation also creates an account to assist milk producers to assist the industry. A majority of the funds must be used for a milk producer grant program. The bill also adds to the viability of the matching grant's purposes for the development of new marketing programs and venues through or in which a majority of products sold are state grown.

Lastly, the legislation explicitly prohibits selling, offering to sell, bartering, or exchanging adulterated milk or other dairy products. A first violation is an infraction and a second violation within one year is a class A misdemeanor. It exempts production of dairy products for personal consumption or consumption by immediate family members from its prohibitions.

**Effective Date:** *July 1, 2009, except (1) upon passage for the milk producer grant program and (2) October 1, 2009 for provisions concerning adulterated milk.*

**Signed by Governor** (PA 09-229 | SB 891)



## Government Administration & Elections Committee

### **AN ACT CONCERNING THE VOTING RIGHTS OF CERTAIN SEVENTEEN YEAR OLD PERSONS**

To encourage more young people to be involved in the electoral process, in 2008, Connecticut voters passed an amendment to the State Constitution that allows seventeen year olds, who will be eighteen by the time of a regular election, to vote in a primary for such regular election. This bill implements a constitutional amendment passed by electors during the 2008 election allowing 17-year-olds who will turn 18 on or before the day of a regular election to vote in the primary election before it.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 0936 | HB 6439)

### **AN ACT CONCERNING UNITED STATES SENATE VACANCIES**

This bill requires a special election for U.S. Senate vacancies under most circumstances. Currently the governor is allowed to make an appointment in the event a senator resigns or dies during his or her term. Motivation for this measure was the recent scandal in Illinois where a governor was indicted for seeking bribes in exchange for an appointment to an open Senate seat. Currently, vacant congressional seats are filled by special elections and, between 1913 and 1945, Connecticut allowed for direct elections to fill vacant senate seats. In the event of national emergency, the bill allows the governor to (1) appoint a replacement if there are 50 or more U. S. Senate vacancies among the states and (2) nominate someone to fill a vacancy occurring during the last 14 months of a senator's term, which the General Assembly must confirm.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-170 | SB 913)

### **AN ACT CONCERNING GOVERNMENT ADMINISTRATION & THE DESIGNATION OF CERTAIN DAYS & MONTHS BY THE GOVERNOR**

The House and Senate overwhelmingly passed this bill that designates several periods throughout the year to heighten public awareness of various medical issues. It also honors an American hero, Tom Paine and adds the designation "Honor our Heroes" to the State's September 11 Remembrance Day held in memory of those injured or killed as a result of the September 2001 attacks. The bill also requires that national and Connecticut state flags purchased after July 1, 2009 and displayed on state-owned or -leased public buildings be manufactured in the United States.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-224 | HB 6693)



## General Law

### AN ACT CONCERNING CHARITABLE DONATION BINS

Donating to a charity gives someone an opportunity to better the life of another. It is unfortunate when someone preys on the generosity of another. To prevent this, the legislature enacted provisions that prohibit anyone from placing a donation bin in a public place without permission from that establishment's owner. The donation bin must also include block lettering that is at least 2 inches high and states whether the donation is for a charitable purpose. The notice must include the nonprofit organization which benefits from the donation and a way to contact the Department of Consumer Protection for more information.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-119 | HB 5222)

### AN ACT CONCERNING DISCLOSURES BY HOME IMPROVEMENT CONTRACTORS & NEW HOME CONSTRUCTION CONTRACTORS

Every year home contractors receive the highest number of complaints at the Department of Consumer Protection, and we believe consumers deserve full disclosure of a contractor's business interests when they hire one to work on their home. This law requires home construction and home improvement contractors to disclose every corporation, limited liability company, partnership, sole proprietorship, or other legal entity that is or has been a home improvement or new home construction contractor in which they were shareholders, members, partners, or owners within the past five years.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-18 | HB 5414)





## AN ACT CONCERNING CONSUMER PRIVACY & IDENTITY THEFT

Identity theft occurs when someone uses your personal identifying information, like your name, Social Security number, or credit card number, without your permission, to commit fraud or other crimes. The Federal Trade Commission estimates that as many as 9 million Americans have their identities stolen each year.

This session the General Assembly passed new legislation to greater protect consumers and assist law enforcement officials with the necessary tools to apprehend and prosecute criminals of identity theft. The legislation increases protection of Connecticut residents' personal information, corrects a shortcoming in our existing identity theft statute, and enhances the criminal penalties and enforcement authority provided to the Department of Consumer Protection.

The legislation makes numerous changes in laws relating to identity theft, Social Security numbers, and the dissemination of personal identifying information. Specifically the legislation:

- Broadens the definition of “identity theft”.
- Increases the penalty for criminal impersonation.
- Creates the crime of unlawful possession of personal access devices.
- Increases the penalties for identity theft when the victim is age 60 or older.
- Allows a victim of identity theft to sue for damages if the perpetrator was found guilty of trafficking in personal identifying information.
- Extends the statute of limitations from two to three years to sue for damages if the perpetrator was found guilty of identity theft.
- Specifies that damages include documented lost wages and any financial loss suffered by the plaintiff as a result of the identity theft.
- Allows the court to award remedies that may be provided by law.
- Requires courts to issue orders to correct public records when a person is convicted of identity theft.
- Voids a credential issued by the state or political subdivision of the state (1) obtained by making a material false statement or (2) physically altered to misrepresent a material fact, requiring the credential to be returned to the issuing authority provided the authority complies with notice provisions.
- Allows perpetrators to be prosecuted in the geographical area or judicial district where the victim lives rather than where the alleged crime was committed.
- Penalizes employers for failing to obtain and retain employment applications securely and to take reasonable measures to destroy or make them unreadable when disposing of them.
- Makes property gained from committing identity theft subject to forfeiture and requires proceeds from its disposition to be deposited in the Department of Consumer Protection's privacy protection guaranty and enforcement account, to pay for enforcing certain privacy protection laws.
- It authorizes the DCP commissioner to investigate violations.
- It also allows the attorney general, upon request of the commissioner or other state agency required to enforce its provisions, to apply to the court to restrain or enjoin a violator.





- The bill creates the privacy protection guaranty and enforcement account to enforce the law and reimburse individuals hurt by violations of the bill's provisions. It is funded with fines imposed on violators.
- The bill establishes a fine, between \$ 500 and \$ 5,000, to be deposited into the privacy protection account for (1) filing a notice, statement, or document required by the bill that includes false or untrue information or (2) willfully violating the provisions of this bill or identity theft laws. It also establishes an appeals process for anyone aggrieved by a decision or order made by the commissioner under the bill.

**Effective Date:** *October 1, 2009, except the provisions relating to the penalties for violating the duty to safeguard personal data investigations, the privacy protection account, appeals, and regulations, which are effective upon passage.*

**Passed House and Senate** (PA 09-239 | SB 838)

### **AN ACT CONCERNING THE PRACTICE OF PHARMACY & ELECTRONIC PRESCRIPTIONS**

Electronic medical records are the result of advanced technology and are the future of digital medical technology. This legislation improves efficiency of electronic records, reduces the numbers of medical errors, enables pharmacies to fill prescriptions quickly, and also reduces costs. This allows Connecticut pharmacies to maintain records of prescriptions electronically rather than in paper format as currently required. Also, the law adds Schedule II drugs to the list that physicians can prescribe and transmit electronically to pharmacies.

The legislation requires all prescriptions to comply fully with the federal Controlled Substances Act and allows pharmacies to make an immediate conversion to an electronic system should the currently proposed federal regulations be accepted.

The legislation also outlines procedures for pharmacists and doctors to follow in order to convert the receipt and storage of prescription information electronically.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-22 | HB 6301)



### AN ACT CONCERNING EVIDENCE OF WORKERS' COMPENSATION INSURANCE FOR CONTRACTORS ON PUBLIC WORKS PROJECTS

Getting injured on the job and not being able to work can be devastating for an employee and their family. Finding out that your employer does not have workers' compensation insurance can only compound the problem more. This bill allows a state department, board, or agency to renew a license or permit for operating a business in this state only if the applicant presents sufficient evidence of current compliance with the workers' compensation insurance coverage requirements.

Applicants meet the "sufficient evidence" requirement necessary to renew a license or permit for operating a business by providing the name of the applicant's insurer, the policy number, the effective coverage dates, and a certification that the same is truthful and accurate. Current law requires a hard copy of a certificate of self-insurance issued by a workers' compensation commissioner, a certificate of compliance issued by the insurance commissioner, or a certificate of insurance issued by a stock or mutual insurance company.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-104 | SB 778)

### AN ACT CONCERNING THE SALE OF CIDER AND APPLE WINE, WINE FESTIVALS & THE HOURS OF OPERATION OF FARM WINERIES

In response to Connecticut's growing wine, cider, and apple wine industry, legislation was passed to allow for the sale of these products to consumers inside and outside of the state. It also allows an association promoting the manufacture and sale of farm host one festival per calendar year and farm wineries can offer the retail sale and tasting of wine by allowing them to close at 9: 00 p. m. instead of 8: 00 p. m. every night.

**Effective Date:** *Upon passage, except for the section extending the hours of operation for farm wineries, which is effective July 1, 2009.*

**Signed by Governor** (PA 09-47 | SB 312)

### AN ACT CONCERNING EFFICIENCY STANDARDS FOR RESIDENTIAL AUTOMATIC LAWN SPRINKLER SYSTEMS

It is vital that we conserve our natural resources so that they are there for future use and we don't do too much damage to the environment through waste. In order to address this, the legislature this year enacted a bill that will help us to conserve our water supplies, while preventing needless waste. Sprinklers that are installed on residential properties after July 1<sup>st</sup>, 2010, must be equipped with a sensor that shuts down the sprinkler when there is already enough rainfall.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-32 | HB 5792)



## Higher Education

### **AN ACT CONCERNING THE FINANCIAL STATUS OF A SCHOOL APPLYING FOR RENEWAL OF AUTHORIZATION TO OPERATE AS A PRIVATE OCCUPATIONAL SCHOOL**

Private occupational schools are approved by the Commissioner of Higher Education to offer postsecondary training in Connecticut. The Department of Higher Education oversees the compliance of private occupational schools with state statutes. Private occupational schools that violate applicable regulations, or any provision of the occupational school law, can now be assessed a \$500 penalty per day by the Commissioner of the Department of Higher Education.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-116 | SB 801)

### **AN ACT CONCERNING PRIVATE OCCUPATIONAL SCHOOLS**

In response to the recent closing of the Connecticut School of Broadcasting, legislation was adopted to revise and expand the requirements for a private occupational school operating in the state. The legislation also increases the establishment and renewal requirements for a Private Occupational School. The bill protects the Private Occupational School Student Protection Account by prohibiting funds from being used to repay federal student loans and requires that the student protection account contain, in addition to quarterly tuition assessments, any fees and other funds the law requires.

**Effective Date::** *July 1, 2009, except for the provisions concerning (1) hearings for schools whose authorization has been revoked or that have been assessed an administrative penalty and (2) the Board of Governors' authority to enforce orders, which are effective October 1, 2009.*

**Signed by Governor** (PA 09-99 | SB 809)





### AN ACT CONCERNING NURSES PURSUING ADVANCED DEGREES

The United States and Connecticut are both challenged by a shortage of registered nurses and an ever growing deficit of nursing faculty. Nursing programs cannot expand without an adequate number of educators to teach future nurses. The shortage is expected to persist well into the next decade despite national efforts to grow the nursing workforce. An analysis of state-level supply and demand of registered nurses indicates that Connecticut will have a shortfall of about 22,000 nurses by 2020.

Because it is a problem that exists throughout the entire nation some federal funds may be available to establish more nursing programs in Connecticut.

The legislation the General Assembly passed this session requires the Board of Trustees of the Community-Technical Colleges to take all feasible steps to maximize available federal funds to establish a nursing program at Northwestern Connecticut Community College.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-130 | SB 6336)





## Housing

### **AN ACT CONCERNING HOUSING DEVELOPMENT IN ENTERPRISE ZONES**

Creating good and affordable housing is important to the growth of Connecticut and its residents. This bill specifies that Department of Economic and Community Development (DECD) grants to community development organizations in enterprise zones may be used to build or rehabilitate decent housing only for low- and moderate-income people.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-40 | SB 251)





## Human Services

### **AN ACT CONCERNING THE RIGHT TO A HEARING IN THE RENTAL ASSISTANCE PROGRAM & TRANSITIONARY RENTAL ASSISTANCE PROGRAM**

Connecticut's rental assistance programs are an essential component of our state's social safety net, providing crucial help to families who could not otherwise afford safe or comfortable housing. Thousands of Connecticut families take advantage of this vital program. Occasionally, the Department of Social Services decides to terminate a family's housing subsidy because it believes the family has failed to abide by the program's requirements. When families in the rental assistance (RAP) and transitional rental assistance (T-RAP) programs believe the department wrongfully terminated their subsidy or is aggrieved in another way by decisions of the DSS Commissioner or his designated agent they are entitled to an informal hearing and a subsequent desk review to appeal DSS decisions on program eligibility. Because DSS is not statutorily required to hold hearings on eligibility for these programs, individuals cannot appeal final decisions.

This new legislation gives these aggrieved individuals, the right to a hearing in accordance with the Uniform Administrative Procedure Act (UAPA). The legislation would allow these individuals to appeal final decisions to Superior Court. The court cannot substitute its judgment as to the weight of the evidence presented in the case. It can only overturn an agency's decision under limited circumstances.

The effect of this legislation is to guarantee the fundamental right to judicial review. This is particularly important because the termination of a rental assistance certificate has an obviously serious impact on a family's ability to have a place to live.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-118 | SB 817)

### **AN ACT PROVIDING STATE-FUNDED MEDICAL COVERAGE TO CHILDREN IN THE CARE OF THE DEPARTMENT OF DEVELOPMENTAL SERVICES**

Currently, children who are placed in out-of-state residential facilities by the Department of Developmental Services and the Department of Children and Families may or may not qualify for Medicaid, depending on the level of involvement of the parents in the day-to-day decision making of the parents concerning their care. They also typically do not qualify until the month they have been in residential placement for thirty days. This session the General Assembly passed legislation to ensure these children receive state-funded medical assistance.

The legislation expands eligibility for state-funded medical assistance, such as adequate medical, dental, psychiatric, psychological, and social services, to include more children under the DCF commissioner's supervision and children under the DDS's voluntary services program by removing the requirement that the child be in an institution.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-66 | SB 872)





## **ACT CONCERNING THE ELIGIBILITY OF PERSONS LIVING IN RESIDENTIAL CARE HOMES FOR STATE SUPPLEMENT ASSISTANCE**

Previously, some seniors and individuals with disabilities who become over-income for the State Supplement Program which offers aid to seniors, blind, and disabled people must live in a nursing home rather than remain in the community in a residential care home, because of state laws. When the income of a resident in a residential care home exceeds, even by a few dollars, the 300 percent Supplemental Security Income maximum, their State Supplement benefits are terminated. Also, many applicants will not qualify for State Supplement benefits because they are just over the limit. Because the residential care home monthly private pay rate is well above their incomes, they find themselves without the means to pay for their care privately. While the eligibility criteria for persons living in residential care homes includes a income cap, the eligibility for Medicaid in nursing homes does not, forcing these individuals into nursing homes to receive basic services.

To resolve this problem, the General Assembly passed legislation that allows these individuals over-income to establish a special needs trust for this excess income that is above 300% maximum and below the private rate that the Residential Care Homes or the New Horizons facility charges. The trust must provide that, once the individual dies, the state will receive all amounts remaining in it after the Medicaid program is reimbursed for Medicaid-funded services the individual received, up to the amount of State Supplement provided. The type of trust someone may establish is the same that federal law allows for purposes of Medicaid eligibility.

This will allow an individual that chooses so to remain in a residential care home rather than be forced into a nursing home.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-73 | SB 957)





### AN ACT CONCERNING THE ALZHEIMER'S RESPITE CARE PROGRAM

Since the initial legislation that created the Connecticut Statewide Respite Care was approved 11 years ago, the income and asset eligibility criteria has not changed. In 2008, 813 clients received services such as adult day care, companion-homemaker and home health aide.

Currently, Connecticut's State-Wide Respite Care Program provides respite care for people with Alzheimer's disease or related disorders, regardless of age, who are not enrolled in the Connecticut Homecare Program for Elders (CHCPE). Respite care services provide short-term relief for family caregivers from the demands of continual care for an individual with Alzheimer's or related diseases.

To allow more people to take advantage of this great program, the legislature passed legislation that increases from \$30,000 to \$41,000 the program's annual income limit and increases its asset limit from \$80,000 to \$109,000. The Department of Social Services (DSS) commissioner must also annually increase the income and asset limits to reflect Social Security cost of living adjustments. The legislation also requires the commissioner to adopt regulations allowing program participants who demonstrate a need for additional services to receive up to \$7,500 for respite care services. Current law limits respite care services to \$3,500 annually.

The General Assembly also included in the legislation language to increase the number of service options available to care recipients under the Statewide Respite Care Program by including "personal care assistants" as a service. This will allow recipients to use individual providers of their choice and possibly reduce the cost of their care or allow for a greater number of hours of service since the client or their family will be able to negotiate a rate under a provided maximum level. Personal care assistants provide non-medical care, such as assistance with bathing, dressing, eating, walking, toileting, or transfer from a bed to a chair.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-75 | SB 989)





## AN ACT CONCERNING THE OFFICE OF PROTECTION & ADVOCACY FOR PERSONS WITH DISABILITIES

Patient privacy is a very important part of our medical system and all individuals should be afforded the same rights to confidentiality and protected health information. This session the General Assembly passed legislation to ensure that information gathered by, received by, and stored with the Office of Protection and Advocacy for Persons with Disabilities is kept confidential to the full extent required by federal law.

The Office of Protection and Advocacy for Persons with Disabilities (OPA) is an independent state agency whose purpose is to protect and advocate for the civil rights of people with disabilities.

The new legislation clarifies the Office of Protection and Advocacy for Person with Disabilities obligation to follow the requirements of federal protection and advocacy and regulations with respect to confidentiality of client information. The legislation does this by adding to the director's existing powers the authority to ensure that all aspects of the agency's operations comply with federally established confidentiality requirements.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-65 | SB 854)

## AN ACT CONCERNING LICENSING OF ADOLESCENT SUBSTANCE ABUSE TREATMENT FACILITIES

Current state law requires certain residential programs to hold both Department of Public Health and Department of Children and Families licenses. Occasionally, the requirements of these two licensures are inconsistent. For example, DPH requires that all medications taken by residential clients either be administered by a registered nurse or be self-administered by the client. DCF does not allow self-administration but provides a certification for child care workers so that these staff can administer medications. DPH does recognize such certification.

In an effort to assist a number of residential programs required to be dually-licensed by multiple state agencies, this bill clarifies that certain programs currently required to be licensed by both the DPH and the DCF need only be licensed by DCF. This legislation applies to programs licensed to operate substance abuse treatment facilities and maternal homes, which provide care for pregnant women.

The bill also allows non-nursing staff, who have been trained under a written order from a doctor, to administer medication to children or youth residing in DCF-licensed substance abuse treatment facilities.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-197 | HB 6523)



## Insurance & Real Estate

### AN ACT CONCERNING TIME SHARES

Connecticut residents should be able to purchase timeshares with confidence. This bill ensures timeshare developers follow certain standards and strengthens the Department of Consumer Protection's ability to regulate the purchase and sale of timeshares.

The bill streamlines the registration process of the Department of Consumer Protection (DCP) which approves time shares for sale to Connecticut residents.

This bill is designed to streamline the registration process of the Department of Consumer Protection (DCP) which approves time shares for sale to Connecticut residents. The bill is intended to safeguard the purchasers, ensure developers follow certain standards, and empower department officials to enforce these requirements.

Effective January 1, 2010, the bill puts in place a new process of registration for time share developers and purchasers. Some of the new features of the system include recording valuable information in the land records of the town where a time share is located, cooperating with a personal inspection of the property by DCP, and obtaining specified insurance coverage of a time share plan (agreement of exchange). The bill generally prohibits the advertisement of any time share unless a time share plan is registered with DCP.

If the department determines that a developer has purposely violated any provision of the bill, or the Unfair Trade Practices Act, he or she would be subject to suspension, probation, or a civil penalty of up to \$5,000 for each violation. The applicant will also be responsible for any expenses DCP incurs during inspection.

**Effective Date:** *January 1, 2010*

**Signed by Governor** (PA 09-156 | SB 897)

### AN ACT MITIGATING FIRE LOSSES FOR HOMEOWNERS & BUSINESS OWNERS

People who have had the heartbreaking experience of losing their homes or businesses to fire deserve to receive their insurance payments without delay, so they can get their lives back on track. This pro-consumer bill shortens the time period an insurer has to pay a claim from 60 to 30 days, allows insured persons to receive partial payments before a final settlement is determined, and increases the statute of limitations for filing a lawsuit arising from a claim under the policy from 12 to 18 months after sustaining a loss.

The bill also requires a condominium master insurance policy to cover a loss caused directly or indirectly by terrorism, as the insurance commissioner defines it, until the federal terrorism risk program expires.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-164 | HB 6447)



### **AN ACT CONCERNING REVIEWS OF HEALTH INSURANCE BENEFITS MANDATED IN THIS STATE**

As part of the larger discussion on healthcare reform, this bill establishes a health benefit review program within the Insurance Department to evaluate the social and financial impact of the consumer protections, often referred to as mandates, included in the health insurance statutes. The bill requires the department to review the mandates effective on July 1, 2009 and report its findings to the legislature's Insurance and Real Estate Committee by January 1, 2010, and annually thereafter. The bill requires the department to contract with the UConn Center for Public Health and Health Policy to conduct the reviews. Evaluation reports will include the social impact of mandating the benefit, including the number of people who use the treatment; whether it is available under public health programs, or self-insured plans; whether the treatment is evidenced-based; what alternatives are available; and the level of demand from health providers. Assessment of the financial impact will include the cost of the treatment and whether less expensive alternatives are available; the amount of cost-shifting taking place due to mandates; and the impact on insurance premiums.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-179 | HB 5018)

### **AN ACT AMENDING THE EXTENDED WARRANTY STATUTES**

Consumers often spend considerable amounts of money on extended warranties to cover repairs and replacements for big ticket purchases. To protect purchasers from scams and insolvent companies offering these warranties, new legislation requires insurers to file these policies, and their financial and actuarial statements with the Insurance Department for review. The companies must demonstrate that they have sufficient capital on hand to underwrite the policies.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-24 | HB 6356)





## AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS

Autism is a complex neurobiological disorder that typically lasts throughout a person's lifetime. It is part of a group of disorders known as autism spectrum disorders (ASD). Currently, the Centers for Disease Control estimate that 1 in 150 individuals are diagnosed with an ASD making it more common than pediatric cancer, diabetes, and AIDS combined. It occurs in all racial, ethnic, and social groups. Expanding on 2008 legislation, the General Assembly passed legislation this session that requires insurance coverage of critical treatment and benefits that will greatly help the lives of people with autism.

If deemed necessary by a medical professional, this legislation requires coverage for:

- The diagnosis to determine if an individual has an autism spectrum disorder
- Behavioral therapies to children 14 years old or younger including, but not limited to, applied behavior analysis and cognitive behavioral therapy
- Prescription drugs
- Psychiatric services
- Psychological services
- Physical therapy
- Speech and language pathology services
- Occupational therapy

By providing these treatments and therapies to a person with an ASD early in life, the results will be a higher functioning life for the individual and a decrease in the lifetime costs of treatment and services. This will result in an overall cost savings for medical and special education costs. By passing this legislation, Connecticut has become the 12<sup>th</sup> state to require comprehensive insurance coverage for people with autism.

**Effective Date:** *January 1, 2010*

**Signed by Governor** (PA 09-115 | SB 301)





## AN ACT REQUIRING COMMUNICATION OF MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS

Breast cancer is the most common form of cancer in women and the second most common cause of cancer death in women in the United States.

A mammography is a process to examine the human breast and is used as a diagnostic as well as a screening tool. The goal of a mammography is the early detection of breast cancer. The Federal Government's Mammography Quality Standards Act requires a mammography facility to provide a mammogram report containing the imaging results to the patient and patient's healthcare provider within 30 days of the exam.

Mammograms though are limited in detecting cancer in woman with dense breast tissue. The General Assembly believed that doctors should communicate to their patients that they have dense breast tissue so they know to monitor themselves more frequently, and potentially seek out additional screening methods. Women with dense breast tissue have a higher risk of breast cancer. If patients are aware of their condition, they can seek further tests which would allow the cancer to be detected earlier.

This session the General Assembly passed legislation to require all mammography reports given to a patient to include information about breast density based on the American College of Radiology's Breast Imaging Reporting and Data System (BIRADS). When applicable, the report must include a written statement, which is included in the legislation.

This legislation may help save woman's lives because it would facilitate early detection and increase awareness of the higher risk of breast cancer for women who have dense breast tissue.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-41 | SB 458)

## AN ACT CONCERNING NOTIFICATION OF UNDERINSURED MOTORIST CONVERSION COVERAGE & THE RECOVERY OF COLLISION DEDUCTIBLE IN A SUBROGATION ACTION

One of the most important aspects of insurance is the peace of mind that it provides. That peace of mind comes from a full understanding what your insurance policy covers. This bill will ensure that Connecticut drivers are informed of the benefits of underinsured motorist conversion coverage and provide the means to receive a deductible for physical damage if subrogation is successful.

By law, an auto insurance policy must have uninsured and underinsured motorist coverage equal to the liability limits imposed by law. The insurer must share subrogation recoveries with the insured on a proportionate basis.

**Effective Date:** *January: 1, 2010*

**Signed by Governor** (PA 09-72 | SB 895)



### **AN ACT CONCERNING EMPLOYER HEALTH INSURANCE PREMIUM PAYMENTS FOR TERMINATED EMPLOYEES**

This public act permits an employer to stop paying group health insurance premiums for terminated employees and their dependents if the employer notifies the healthcare plan within 72 hours after the employee quits or is fired. The bill does not apply in the event the employee is laid off or for those employees covered by a collective bargaining agreement that requires employers to continue paying for the employee's healthcare benefits after termination.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-126 | HB 5669)

### **AN ACT REQUIRING HEALTH INSURANCE COVERAGE FOR WOUND CARE FOR INDIVIDUALS WITH EPIDERMOLYSIS BULLOSA**

Epidermolysis bullosa (EB) is a group of rare skin diseases characterized by recurring painful blisters and open sores, as a result of minor injury, heat, or friction and the unusually fragile nature of the person's skin. Some severe forms may involve the eyes, tongue, and esophagus, and some may produce scarring and disabling musculoskeletal deformities. There is no known cure. Treatment is often focused on wound care to minimize pain, infection, and other complications.

There are approximately 50 individuals in Connecticut known to have some type of Epidermolysis bullosa. Treating the condition can cost as much as \$40,000 a year.

This new legislation requires certain insurance policies to cover wound care supplies administered under a physician's direction for the medically necessary treatment of epidermolysis bullosa.

**Effective Date:** *January 1, 2010*

**Signed by Governor** (PA 09-51 | HB 5023)

### **AN ACT LIMITING CANCELLATION FEES FOR AUTOMOBILE INSURANCE POLICYHOLDERS WHO CANCEL THEIR POLICIES MID-TERM**

Consumers should have the flexibility to cancel their car insurance policies when their needs change or they simply find more competitively-priced options. To protect consumers from being charged exorbitant cancellation fees, this bill prohibits car insurance companies from charging a cancellation fee of more than \$100.00. If the law is broken, insurance companies face a fine of up to \$15,000.00.

**Signed by Governor** (PA 09-98 | SB 212)



### AN ACT CLARIFYING HEALTH INSURANCE COVERAGE FOR STEPCHILDREN

Insurance companies have varying policies dealing with coverage for stepchildren. To create a uniform policy, the General Assembly passed legislation this session that requires stepchildren to receive all the same benefits as biological children.

The legislation also changes the law that establishes requirements for coverage of children under an individual health insurance policy to be the same under a group health insurance policy in Connecticut. The law now requires a child's coverage under an individual health insurance policy to continue at least until the policy anniversary date on or after the date the child marries, ends Connecticut residency, unless he or she is under age 19 or a full-time student at an accredited college, gets coverage under his or her employer's group health plan; or turns age 26.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-124 | HB 5433)

### AN ACT CONCERNING THE CONSUMER REPORT CARD

This bill creates the Consumer Report Card on Health Insurance Carriers in Connecticut. This report card is a comparison guide of all HMOs and the 15 largest insurers that offer managed care plans in Connecticut. The guide must be developed and distributed by October 15, 2009.

The bill requires the insurance commissioner to provide an annual consumer report explaining the "medical loss ratio" of each insurer and the HMO that the report discusses. This report must be readily available on the State Department of Insurance's website. Additionally, the health insurer must disclose its "medical loss ratio" in the most recent consumer report card when they are writing to an individual applying for coverage. "Medical loss ratio" is described in the bill as the ratio of acquired claims to the premiums for the prior calendar year concerning plans issued in Connecticut. These claims are limited to medical expenses for services and supplies provided to enrollees. Expenses for stop loss coverage, reinsurance, enrollee education programs and other cost containment programs or features are not included in the approved claims.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-46 | SB 46)



### **AN ACT PROHIBITING THE USE OF CERTAIN PRESCRIPTION DRUG HISTORY AS AN UNDERWRITING TOOL TO DENY INDIVIDUAL HEALTH INSURANCE COVERAGE**

This bill prohibits insurers from using a person's history of taking a prescription drug for anxiety for six months or less as an underwriting factor. The bill applies to each insurer, HMO, hospital or medical service corporation, or fraternal benefit society that delivers, issues, renews, amends, or continues an individual health insurance policy in Connecticut.

**Effective Date:** *January 1, 2010*

**Signed by Governor** (PA 09-123 | HB 5019)

### **AN ACT CLARIFYING POST CLAIMS UNDERWRITING**

This bill provides important protections for individuals who purchase health insurance in Connecticut. This bill limits a health insurer's or HMO's claim investigation for the purpose of discovering preexisting conditions to those that directly relate to the condition specified in the claim. The bill also establishes certain notice, deadline, and rescission requirements for an insurer or HMO that accepts coverage applications over the telephone for individual health insurance coverage.

**Effective Date:** *October 1, 2009*

**Vetoed by Governor** (PA 09-135 | HB 6531)





### AN ACT ESTABLISHING THE CONNECTICUT HEALTHCARE PARTNERSHIP

Healthcare is costing everyone more these days. It is costing residents more to buy and taxpayers more for the people who do not have it. In fact, the rising cost of healthcare is one of the biggest obstacles small businesses face, and when our property taxes go up, it is partially due to the costs of municipal employee health insurance. This year the Connecticut legislature continued to make reforming our healthcare system a priority, with the passage of the Connecticut Healthcare Partnership. This proposal would open the state employee health plan to municipalities, small businesses, and non-profits so they may access the same health benefits state employees, legislators, and even Governor Rell currently enjoy.

While costs have been rising across the board, the state employees have been using the bargaining power of their 200,000-member group to negotiate lower healthcare costs, without chipping away at benefits. Similar to shopping at a wholesale store, bulk purchasing of healthcare saves consumers money.

Making these benefits available will provide relief to municipalities, thereby helping to offset local property taxes. It will also provide financial relief to many of the businesses that are fundamental to our state's economy. By allowing them to provide their employees with good healthcare at good prices, these businesses can stretch their dollars further and eventually attract and retain more talented people to grow their organizations.

A provision of the bill would also switch the state employees' plan from a fully-insured to a self-insured system. The state would see a significant up-front savings in the next fiscal year of \$70 million and up to \$20 million of additional annual savings from the elimination of risk charges paid to the insurance companies. The state can also achieve additional savings by more closely monitoring and managing medical claims and responding with wellness initiatives outside the scope of health insurance.

**Effective Date:** *July 1, 2009; except for the provisions about (1) self-insuring the state plan, (2) needing SEBAC's agreement before opening the state plan to other groups, (3) municipalities acting as a single entity to obtain employee health insurance, and (4) covering dependents to age 26 under the state plan, which are effective upon passage.*

**Vetoed by Governor** (PA 09-147 | HB 6582)





## Judiciary

### **AN ACT INCREASING THE PENALTY FOR FOREIGN CORPORATIONS & OTHER ENTITIES THAT TRANSACT BUSINESS OR CONDUCT AFFAIRS IN THIS STATE WITHOUT AUTHORITY**

In Connecticut, businesses must register with the Secretary of State in order to operate within the State. By requiring businesses to register, Connecticut can oversee that they are following the laws and policies that all businesses must follow, as well as paying their fair share of taxes and fees.

Occasionally, some businesses operate illegally and do not register. The penalty for transacting business in Connecticut by a foreign business entity without authority has not been raised in approximately 20 years.

The General Assembly passed legislation this session to provide a disincentive to illegally operate, by increasing the penalty from \$165 to \$300 for each month, or part of one, that an entity conducts business in the state without the required certificate or registration. This legislation applies to foreign stock and non-stock corporations, limited partnerships, limited liability companies, registered limited liability partnerships, and statutory trusts.

This will greatly help to protect Connecticut consumers who do business with these foreign entities, as well as bring in much needed revenue without hurting the business community.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-83 | HB 6640)

### **AN ACT CONCERNING THE UNLICENSED PRACTICE OF MASSAGE THERAPY**

There has been a proliferation of entities that offer massage services. This bill ensures that persons that advertise or offer massage therapy are in fact licensed by the Department of Public Health. This bill makes it a class C misdemeanor for anyone to engage in the practice of massage therapy or use the title “massage therapist,” “licensed massage therapist,” “massage practitioner,” “massagist,” “masseur,” or “masseur” without a license from the Department of Public Health.

A class C misdemeanor is punishable by imprisonment for up to three months, a fine of up to \$500, or both.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-182 | HB 5883)





### AN ACT CONCERNING REFORM OF THE PROBATE COURT SYSTEM

In recent years, Connecticut's probate system has shown signs of strain. Courts in different towns had different case loads and demands, and were running significant deficits. This Public Act would establish a commission that would consolidate the number of probate courts, and draw up new probate court districts, and reduce the total number of probate courts to 44 to 50 statewide. The plan must be presented to the General Assembly by September 2009 for approval. The Public Act also encourages towns to consolidate probate districts voluntarily.

It also changes the current method of compensating probate court judges, now based on the fees the court collects, and replaces it with a new system based on population and workload, and pays the judges from the Probate Court Administration Fund, as well as addresses healthcare and pension benefits for current and retired probate judges and employees,

The Act requires that each new probate judge elected for a term beginning on or after January 5, 2011, must be a member of the bar of the state of Connecticut.

**Effective Date:** *Upon Passage*

**Signed by Governor** (PA 09-182 | HB 6385)

### AN ACT CONCERNING THE FORFEITURE OF PROPERTY OBTAINED BY SECURITIES FRAUD

The recent economic downturn has exposed many troubling instances of fraud on Wall Street and has shaken our citizens' trust in our economic system. This bill cracks down on racketeering activity under the Corrupt Organizations and Racketeering Activity Act (CORA) by including violations of the federal Currency and Foreign Transactions Reporting Act by broker-dealers. CORA provides for criminal penalties and property forfeiture.

The bill calls for a study of the establishment of a fund to hold money and or property forfeited under CORA for securities fraud and related offenses and to study how to provide restitution to victims. The chief state's attorney must report findings and recommendations to the Judiciary Committee by March 31, 2010.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-193 | HB 6339)



### AN ACT INCREASING THE PENALTY FOR ENGAGING A POLICE OFFICER IN PURSUIT

This public act increases the penalties for someone who speeds up when an officer in a police vehicle signals them to stop. It increases penalties for repeat offenses and when failure to stop results in injury or death.

Currently a first offense carries a one year driver's license suspension and a subsequent offense carries a suspension of 18 months to two years.

The public act also makes the assault of public transit personnel a class C felony, the same penalty as assault of public safety and emergency medical personnel.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-191 | HB 6025)

### AN ACT PROHIBITING BLOCKING THE BOX

This bill allows cities and towns to adopt rules designating specific intersections where cars or trucks are prohibited from going through those intersections if doing so blocks other vehicles from being able to cross the intersection. This applies even if the traffic light permits the motor vehicle to proceed. The bill requires the municipality to (1) post traffic signs that blocking the intersection is prohibited and violators can be fined and (2) use white paint to mark the intersection's boundaries.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-171 | SB 966)

### AN ACT CONCERNING NOTIFICATION OF THE RELEASE OF A REGISTERED SEXUAL OFFENDER INTO THE COMMUNITY

In order to protect school children from sexual predators, this public act, passed unanimously in both chambers, requires the Connecticut Department of Public Safety to notify the superintendent of schools in the community where a sex offender lives or plans to live. The notice must be by email and include the same registry information available to the public through the Internet.

**Effective Date:** *September 1, 2009*

**Signed by Governor** (PA 09-199 | SB 533)



### **AN ACT CONCERNING SEXUAL ACTIVITY BETWEEN SCHOOL WORKERS & STUDENTS & INCLUDING SCHOOL SUPERINTENDENTS AS MANDATED REPORTERS OF CHILD ABUSE OR NEGLECT**

By law, school employees who have sexual contact with students who attend their schools commit the crime of 2nd degree sexual assault. This bill expands the definition of “school employees” to include anyone working a job requiring regular contact with students at an elementary, middle, or high school, or is under contract with a school board or private school.

The bill also makes school superintendents mandated child abuse and neglect reporters. By law, mandated reporters must contact the Department of Children and Families when they believe that a child is a victim of abuse or neglect.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-242 | SB 1110)

### **AN ACT ESTABLISHING A CORRECTIONAL STAFF HEALTH & SAFETY SUBCOMMITTEE OF THE CRIMINAL JUSTICE POLICY ADVISORY COMMISSION**

In order to create safer prisons for correction staff and inmates, this bill establishes a subcommittee composed of the commissioners of correction, public safety, and mental health and addiction services, or their designees; eight persons appointed by the chairpersons and ranking members of the Judiciary and Public Safety and Security committees and representatives from labor organizations representing correction employees

The bill, which was passed unanimously by the House and Senate, requires the subcommittee to review the Department Of Correction’s policies and procedures on staff health and safety on inmate assaults and requires the subcommittee to submit any recommendations.

**Effective Date:** *October 1, 2009*

**Vetoed by Governor, General Assembly Veto Override** (PA 09-223 | HB 6684)



## AN ACT CONCERNING THE REPORTING OF INMATE POPULATION DENSITY & CORRECTIONAL FACILITY SPECIFIC DATA

Recently, Connecticut has experienced a record increase of inmate assaults on staff that has been attributed to an overcrowded inmate population. This has prompted calls for increased regulating requirements and more comprehensive data related to inmate population density.

Currently, assaults of a very dangerous and volatile nature are being documented by the Department of Correction in such a way that does not necessarily reflect the significant nature of the incident. The General Assembly passed legislation this year aimed at assisting policymakers in determining the factors related to these assaults.

Current law requires the commissioner of the Department of Correction to submit quarterly reports containing information about inmate assaults on staff and other inmates, inmate disciplinary reports, and workers' compensation claims to the Governor and the Judiciary and Labor committees. Legislation was passed this session that requires these reports to provide the required information for each correctional facility, instead of the system as a whole. This way, the state can assess the needs and problem areas of each one. The report must include some new data on the average number of inmates, average number of permanent beds, and inmate population density.

The bill also requires that if, during any calendar quarter, the inmate population density for a correctional facility increases by more than 10% above what was reported for the preceding calendar quarter or for the same calendar quarter of the preceding fiscal year, the commissioner must include in the report an explanation for the increase and a general description of the measures that will be taken to address the increase. The law imposes the same requirement if disciplinary reports, assaults, or workers' compensation claims increase by more than five percent from the preceding calendar quarter or for the same calendar quarter of the preceding fiscal year.

The availability of more detailed information required by this legislation will allow the legislature to study if overcrowding is under control or a concern in each correctional facility. Although this bill does not solve the problem of overcrowding, it goes a long way to increase public awareness, create accountability, and open a dialog to resolve prison and jail overcrowding.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-39 | HB 6685)



### AN ACT CONCERNING AUTOMATIC EXTERNAL DEFIBRILLATORS

When a person falls victim to a heart attack, using an automatic external defibrillator (AED) during those first crucial moments can mean the difference between life and death. An AED is a portable automatic device used to restore normal heart rhythm to people having heart attacks.

This bill extends immunity from damages arising out of a person using, providing, or maintaining an AED. This will ensure that a person would make every attempt to use the AED to save a life without the fear of prosecution. It specifies that immunity does not apply to gross, willful, or wanton negligence.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-59 | SB 1089)

### AN ACT CONCERNING THE APPLICABILITY OF CERTAIN STATE CONTRACTING NONDISCRIMINATION REQUIREMENTS

Currently, all state contracts must contain provisions that protect people from discrimination based on race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation, physical disability, or sexual orientation. The bill expands the categories of protected people, including people with mental disabilities, and establishes supportive data that contractors must provide before entering a contract. The bill also limits the number of contracts that must contain this nondiscrimination provision and defines marital status.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-158 | SB 1127)

### AN ACT CONCERNING THE APPOINTMENT OF FAMILY SUPPORT MAGISTRATES

Family support magistrates hear and decide child support, visitation, alimony, and paternity cases. This bill requires family support magistrate (FSM) appointments to be approved by the legislature. Currently, the governor appoints FSMs for three-year terms. Beginning January 1, 2010, the bill requires the governor to nominate FSMs for four-year terms subject to the legislature's approval. FSMs whose terms have not expired as of December 31, 2009 must continue to serve until (1) their terms expire or (2) their successor is appointed or their nomination has failed. The governor retains the power to remove a FSM for cause before his or her term expires. The chief FSM serves under the same rules, but the chief court administrator can remove him or her from the position as chief.

**Effective Date:** *January 1, 2010*

**Vetoed by Governor** (PA 09-139 | HB 6700)



### AN ACT IMPLEMENTING THE GUARANTEE OF EQUAL PROTECTION UNDER THE CONSTITUTION OF THE STATE FOR SAME SEX COUPLES

As a result of a recent State Supreme Court ruling, same sex couples now have the right to marry in Connecticut. This bill now redefines “marriage” as the legal union of two persons and transforms civil unions into marriages unless they have been annulled or the couple has divorced.

It exempts clergy, churches, and religious organizations from being forced to perform or participate in a marriage ceremony that violates their religious beliefs.

It also allows religiously-affiliated organizations that provide adoption, foster care, or social services to operate in the manner they choose so long as the specific program or purpose does not receive state or federal funds. Connecticut will also recognize same sex marriages formed in other states.

**Effective Date:** *Upon passage, except the repeal of the civil union statutes and some conforming provisions are effective October 1, 2010.*

**Signed by Governor** (PA 09-13 | SB 899)

### AN ACT CONCERNING COMPETENCY TO STAND TRIAL

Too often, individuals who have been deemed mentally incompetent have been forced to stand trial. This bill permits information sharing among various healthcare providers treating or evaluating a defendant who has been or may be mentally ill.

**Signed by Governor** (PA 09-79 | HB 634I)

### AN ACT CONCERNING THE PENALTY FOR A CAPITAL FELONY

This bill eliminates the death penalty in Connecticut and replaces it with life imprisonment without the possibility of parole. Not only is maintaining the death penalty costly to the state, but evidence shows us that mistakes have been made.

**Vetoed by Governor** (PA 09-107 | HB 6578)





## AN ACT CONCERNING LARCENY

By law, a person can commit larceny in a number of different ways and the law provides six degrees of larceny crimes, with penalties varying in most instances based on the value of the property taken. This bill doubles most of the values of the property which must be taken to commit each of the six degrees of larceny crimes.

### 1<sup>st</sup> DEGREE LARCENY

The bill increases the minimum value of the property, service, or motor vehicle required to \$20,000. By law, 1<sup>st</sup> degree larceny is a class B felony punishable by up to 20 years in prison, a fine of up to \$15,000, or both.

### 2<sup>nd</sup> DEGREE LARCENY

The bill increases the minimum value of the property, service, or motor vehicle required to \$10,000. By law, 2<sup>nd</sup> degree larceny is a class C felony punishable by up to 10 years in prison, a fine of up to \$10,000, or both.

### 3<sup>rd</sup> DEGREE LARCENY

The bill increases the required minimum value of the property or service to \$2,000 and the maximum value of the motor vehicle to \$10,000. By law, 3<sup>rd</sup> degree larceny is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

### 4<sup>th</sup> DEGREE LARCENY

The bill increases the minimum value of property or service that must be taken to commit 4<sup>th</sup> degree larceny from \$500 to \$1,000. By law, 4<sup>th</sup> degree larceny is a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both.

### 5<sup>th</sup> DEGREE LARCENY

The bill increases the minimum value of property or service that must be taken to commit 5<sup>th</sup> degree larceny from \$250 to \$500. By law, 5<sup>th</sup> degree larceny is a class B misdemeanor punishable by up to six months in prison, a fine of up to \$1,000, or both.

### 6<sup>th</sup> DEGREE LARCENY

The bill increases the maximum value of property or service that must be taken to commit 6<sup>th</sup> degree larceny from \$250 to \$500. By law, 6<sup>th</sup> degree larceny is a class C misdemeanor punishable by up to three months in prison, a fine of up to \$500, or both.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-138 | HB 6576)



### AN ACT PROHIBITING THE TRANSFER OF MACHINE GUNS TO MINORS

After the terrible accidental death of a child using a machine gun at a gun show, legislation was created to prevent children from having any type of access to machine guns. This bill bars anyone from selling, giving, or transferring machine guns to people under age 16, including allowing minors to use machine guns for target shooting, shooting range, or for any other purpose. A violation carries \$ 1,000 fine, imprisonment for up to 10 years, or both. The same penalty applies, under existing law, for possessing or using a machine gun for an offensive or aggressive purpose.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-62 | SB 358)

### AN ACT CONCERNING TEMPORARY LEAVE ORDERS ISSUED BY THE PSYCHIATRIC SECURITY REVIEW BOARD

The law gives the superintendent of Connecticut Valley Hospital (CVH) and the commissioner of the Department of Developmental Services (DSS) the authority to request that the Psychiatric Security Review Board (PSRB) grant temporary leave to people in CVH's or DDS's custody because they have been acquitted of crimes due to a mental disease.

The bill also permits PSRB to designate a capable person or agency to supervise that individual during the leave.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-162 | HB 6343)

### AN ACT CONCERNING THE CREATION OF A TRUST FOR THE CARE OF AN ANIMAL

For many people, pets are an integral part of their personal life. This act grants those people peace of mind, knowing their special animal companions will be cared for in the event of the pet owner's death. This bill allows people to create a trust during their life for the care of an animal after the person's death. The trust will be governed by existing trust law. The creator of the trust may appoint a trust protector, who will oversee the trust's use for the benefit of the animal. The trust property must be used only to the benefit of the animal and will exist until the death of the last animal named. The probate courts are given the responsibility of overseeing these trusts, and the trust protector may go to the probate court if they believe that a trustee has used the fund for personal reasons.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-169 | SB 650)



## Labor

### AN ACT CONCERNING CERTAIN APPEAL PROCEDURES

To ease the appeal process undergone by injured workers to collect workers' compensation, SB 1099 clarifies that cases may be heard by the Appellate Court before the Compensation Review Board renders decisions. Workers compensation cases can last for years and even the lifetime of the injured worker unless voluntarily settled. This legislation will bring faster resolution to these cases.

**Effective Date:** *Upon passage*

**\*Passed House and Senate and became law without Governor's signature** (PA 09-178 | SB 1099)

### AN ACT CONCERNING CERTIFIED PAYROLLS

This legislation tightens oversight of public construction projects and requires contractors to submit their certified payrolls to the contracting agency by first-class, postage-prepaid mail.

By law, certified payrolls must include a statement signed by the employer indicating records are correct and the contractor has paid the appropriate prevailing or customary rate. It is a class D felony to knowingly file a false certified payroll or to fail to file a certified payroll. A class D felony carries a fine of up to \$ 5,000, up to five years imprisonment, or both.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-25 | HB 6462)

### AN ACT CONCERNING UPDATES TO THE FAMILY AND MEDICAL LEAVE ACT

With so many of our service men and women overseas, we are experiencing an influx of wounded soldiers. This bill makes it easier for family members to provide care to a loved one. This bill permits an employee to take up to 26 weeks in unpaid leave from work under the state family and medical leave to care for an immediate family member or next of kin who is a current member of the U. S. armed forces, National Guard, or the military reserves and is:

- undergoing medical treatment, recuperation, or therapy;
- otherwise in outpatient status; or
- on the temporary disability retired list for a serious injury or illness.

The bill provides for 26 weeks of leave over a 12-month period under the private sector law and 26 weeks of leave over a two-year period under the state employee law. Under both private and state employee provisions, the leave is a one-time benefit for each armed forces member per serious injury or illness incurred in the line of duty.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-70 | SB 710)



## AN ACT CONCERNING PENALTIES FOR VIOLATIONS OF CERTAIN PERSONNEL FILES STATUTES & EQUAL PAY FOR EQUAL WORK

Equal pay for equal work is not simply a women's issue, but a family issue. The wage gap hurts everyone – husbands, wives, children, and parents, because it lowers family incomes that pay for essentials: groceries, doctors' visits, and child care. When women earn more, an entire family benefits. Furthermore, 41 percent of women are their family's sole source of income.

This year the General Assembly passed legislation that makes several changes to the law banning employers from discriminating based solely on gender in the amount of compensation paid to employees. The legislation seeks to not only further protect employees but to also protect employers from being unfairly accused.

The legislation expands possible employer defenses against gender wage claims; permits, rather than requires, a court to order awards when an employer is found to violate the law; extends the period to make a claim of discrimination from one to two years following a violation; expands the whistleblower protections to include those who testify or assist in a gender wage proceeding; permits possible compensatory and punitive damages for violations of the whistleblower protections; and repeals the \$200 fine for each wage discrimination violation or for retaliatory action against an employee bringing a gender wage complaint.

This legislation also allows an employee to introduce a civil action on his or her own if the labor commissioner declines to bring the action. It allows a court to award back pay and compensatory and punitive damages in claims brought by either the commissioner or an employee or group of employees.

Another area of the bill focuses on ensuring an employee's right to view their own personnel files by subjecting any employer, officer, agent, or other person who violates the provisions of the Personnel Files Act to a \$300 civil penalty for each violation.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-101 | HB 6185)



### AN ACT CONCERNING THE STANDARD WAGE FOR CERTAIN CONNECTICUT WORKERS

Connecticut has a long-established living wage and benefits policy for contracted-out janitorial work and food service work in state buildings. The standard wage law governs compensation and benefits (including healthcare) for employees of those private contractors that provide building and property maintenance, property management, and food service work in state buildings. These employees are paid at least the standard wage rates determined by the Labor Commissioner.

This bill establishes a new way to determine these hourly wage and benefits for employees covered by the standard wage law. Due to rising healthcare costs under the old standard wage policy, compensation levels dictated by law were insufficient to pay for family healthcare benefits. Since most of these low wage workers would be HUSKY eligible, it would be less burdensome to the state to give additional money for benefits than to force hundreds of spouses and children onto HUSKY. The new bill allows for these approximately 400 low wage workers and their families to retain their private insurance.

**Effective Date:** *July 1, 2009*

**Vetoed by Governor, General Assembly Veto Override** (PA 09-183 | HB 6502)





## Planning & Development

### **AN ACT CONCERNING AFFIRMATIVE ACTION AND CONTRACTING PROCEDURES FOR THE METROPOLITAN DISTRICT OF HARTFORD COUNTY**

The Metropolitan District Commission (MDC) is a nonprofit municipal corporation providing water and sewer service in the Hartford area. Consequently, it has its own policies and procedures for hiring and promoting people and procuring goods and services.

Current law requires Connecticut state agencies, departments, boards, and commissions to develop and implement annual affirmative action plans that cover all aspects of personnel and administration and govern the way state agencies procure goods and services.

This session the General Assembly passed legislation that requires the MDC to comply with the same laws and state policies that other government entities must follow. The legislation requires the MDC to comply with the same affirmative action laws and requires the State Contracting Standards Board (SCSB) to adopt regulations the MDC must follow to procure goods and services. In doing so, it must consider the circumstances and factors that set the MDC apart from state agencies.

**Effective Date:** *October 1, 2009, except for the authorization for the SCSB to adopt regulations governing MDC procurement takes effect January 1, 2010.*

**Vetoed by Governor, General Assembly Veto Override** (PA 09-87 | SB 922)

### **AN ACT CONCERNING MEMBERSHIP ON REGIONAL PLANNING AGENCIES**

This bill increases the membership on regional planning agencies (RPAs), which currently operate in five of the state's 15 planning regions. Under current law, each municipality in an RPA region gets two representatives on the RPAs. Those with populations over 25,000 get an additional representative for each additional 50,000 people or fraction thereof.

**Effective Date:** *October 1, 2009*

**Vetoed by Governor** (PA 09-80 | HB 6463)



### AN ACT CONCERNING REGIONALISM

This bill is one of the most important steps in reducing the burden on property taxes and ensuring regional cooperation. Regions creating federal economic development districts can enter into mutual agreements to (1) promote regional economic development and (2) share the real and personal property tax revenue from new economic development. The agreement must (1) provide that the municipalities not compete for new economic development and (2) specify the types of projects subject to the agreement. The municipalities must send a copy of the agreement to the OPM secretary who must determine, within 30 days, whether it is consistent with the bill's requirements. The secretary must send his determination to the Revenue Services (DRS) Commissioner.

**Effective Date:** *July 1, 2011 municipalities that have entered into an approved regional agreement can segregate part of the sales and use tax generated by the region and divided on a per capita basis.*

**Signed by Governor** (PA 09-231 | HB 6585)

### AN ACT CONCERNING SMART GROWTH & PLANS OF CONSERVATION & DEVELOPMENT

This bill postpones from March 1, 2009 to March 1, 2011 the deadline for revising the five-year State Plan of Conservation and Development (State Plan of C&D), which the Office of Policy and Management (OPM) prepares, resets the schedule for revising the plan, and pushes back the deadline for recommending priority-funding areas. The bill also requires that future plan revisions be consistent with the state's greenhouse gas emissions.

The bill requires the Continuing Legislative Committee on State Planning and Development to study how OPM: (1) prepares the State Plan of C&D and incorporates smart growth principles in it, (2) applies the plan and these principles to state agency actions, and (3) integrates the plan with municipal and regional plans of C&D. The committee must report its findings and recommendations to the legislature by February 1, 2010. The bill also expands the affordable housing smart growth principle to include developing such housing where it is compatible with smart growth.

**Effective Date:** *Upon passage, except for the change temporarily suspending the provision under which municipalities that do not update their local plans as the law requires become ineligible for state discretionary funds, which takes effect July 1, 2010.*

**Signed by Governor** (PA 09-230 | HB 6467)





### AN ACT CONCERNING PROJECTS OF REGIONAL SIGNIFICANCE

This bill requires each regional planning organization (RPO) to establish a voluntary process for applicants to state or local agencies, departments, or commissions to request a pre-application review of proposed projects of regional significance. The bill defines a project of regional significance as a project built by a private developer that is planned to create more than (1) 500,000 square feet of indoor commercial or industrial space, (2) 250 housing units in one to three story building, or (3) 1,000 parking spaces.

The RPO must prepare a report of the comments of the agencies reviewing the proposal and give a copy of the report to the applicant and each reviewing agency.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-165 | HB 6466)

### AN ACT CONCERNING EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS

This bill gives developers more time to complete ongoing projects by resetting deadlines planning and zoning commissions and inland wetland agencies may impose. The deadlines currently range from two to five years for wetlands projects, and up to 10 years for large-scale residential and commercial projects. In some cases, current law allows the commissions and agencies to extend the deadlines for up to 10 years from a project's approval date.

The bill's deadlines apply to all projects except large-scale residential and commercial projects approved under a site plan review. The new deadlines range from six to 11 years after a project's approval date.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-181 | HB 5254)





### AN ACT ESTABLISHING CONNECTICUT HERITAGE AREAS

Connecticut has many natural attractions that are assets that need to be protected. By creating Connecticut Heritage Areas state agencies will have guidelines to guarantee the protection of these areas. It recognizes the Quinebaug and Shetucket Rivers Valley National Heritage Corridor and the Upper Housatonic Valley National Heritage Area as such.

The bill allows state entities to collaborate with those managing the areas on environmental protection, heritage resource preservation, recreation, tourism, trail development, and other similar projects.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-221 | HB 6584)

### AN ACT ESTABLISHING A TAX CREDIT FOR GREEN BUILDINGS

Spurring development that creates housing, jobs and other types of economic stimulus to Connecticut is an important goal—especially when such development is done to high environmental standards. This bill establishes a tax credit for taxpayers who build green buildings, i. e. , buildings that meet certain energy and environmental standards. The credits can be taken against the corporation business, insurance company, air carriers, railroad company, utility company, and income taxes. The bill limits the credit for all projects at \$ 25 million dollars.

**Effective Date:** *July 1, 2009, with the credits applying to income years starting on or after January 1, 2012.*

**Vetoed by Governor** (PA 09-202 | SB 1033)

### AN ACT CONCERNING MILK PRODUCERS, MILK & MILK PRODUCTS, AGRICULTURAL NOT-FOR-PROFIT ORGANIZATIONS & THE MODERNIZATION OF CONNECTICUT FERTILIZER LAW

The Connecticut dairy industry is an important part of Connecticut's economy and agricultural heritage. The bill establishes the agricultural sustainability to make payments to Connecticut dairy farmer. These grants will assist dairy farms when milk prices drop below the cost of production.

Under current law, people must pay town clerks a \$ 30 fee for each document recorded in municipalities' land records. The bill temporarily increases the fee to \$40 and increases the monthly remittance to \$ 36 for state programs. The bill also expands the amount of funds that the state will dedicate for Department of Agriculture including the agricultural sustainability.

**Effective Date:** *July 1, 2009, except (1) upon passage for the milk producer grant program.*

**Signed by Governor** (PA 09-229 | SB 891)



## Public Health

### **AN ACT CONCERNING THE SHARING OF INFORMATION BETWEEN THE DEPARTMENT OF CHILDREN & FAMILIES & THE DEPARTMENT OF DEVELOPMENTAL SERVICES**

Before the Department of Developmental Services (DDS) determines a child client's eligibility for its Voluntary Services Program, they must assist the child's enrollment in the program, and plan services for the child. This bill allows limited disclosure of Department of Children and Families (DCF) records to DDS without parental or guardian consent. DDS must notify parents and guardians when they apply to enroll a child in the program that it may obtain these records from DCF without their consent. Before releasing a record, DCF must determine disclosure is in a person's best interest and that the records are not privileged or confidential under state or federal law.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-142 | SB 789)

### **AN ACT CONCERNING THE AVAILABILITY OF AUTOMATIC EXTERNAL DEFIBRILLATORS IN SCHOOLS**

More than 250,000 Americans suffer from sudden cardiac arrests each year. In more than two-thirds of cardiac arrests, an electric shock or defibrillation is needed to restart the heart. Studies show that prompt CPR followed by defibrillation reduces fatalities from sudden cardiac arrests. In recent years, Connecticut has witnessed the deaths of several young people from cardiac arrest. This bill seeks to protect from cardiac arrests at school activities by requiring school boards to have at each school in its jurisdiction, if funding is available, (1) an automatic external defibrillator (AED) and (2) school staff trained in its use and in cardiopulmonary resuscitation (CPR). It also allows schools to accept AED donations and school boards to accept gifts and donations or grants to cover costs for training. It also requires each school to develop emergency action response plans for school personnel to respond to those people experiencing cardiac arrest or similar life-threatening emergencies. Also, each school with an athletic department or program must develop an emergency action response plan addressing appropriate school personnel response to the same circumstances while attending or participating in an athletic event or practice on school grounds.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-94 | SB 981)



## AN ACT CONCERNING THE ESTABLISHMENT OF THE SUSTINET PLAN

According to a recent report, over 750,000 Connecticut residents went without health insurance at one point during 2007 or 2008—80% of this group were employed people or members of their families.

Lauded as the most comprehensive and detailed healthcare reform proposal before the legislature, the Sustinet plan lays out a framework for expanding high quality healthcare coverage to more residents, while containing costs, promoting preventive care and laying the groundwork for federal healthcare reform.

The bill requires a board of directors to produce recommendations on how to best take advantage of new federal reform legislation, due to the legislature within 60 days of the passage of federal legislation.

The bill also tasks the board of directors with developing detailed recommendations on how to provide high quality affordable benefits, similar to those currently offered in the state employee plan, to municipal, non-profit, and small business employers, and to people without employer-sponsored insurance or with insurance that is inadequate or unaffordable. One of the goals of the Sustinet plan is to create multiple coverage pools and several benefit options.

Sustinet is more than insurance coverage; it also articulates strategies for improving health and aggressively attacking cost growth. Everyone enrolled in a Sustinet plan will participate in delivery innovations aimed at driving down costs. Each enrollee will have a medical home to coordinate their care. Electronic medical records will be implemented across the plan. Participating providers will follow evidence-based clinical guidelines. The plan will apply proven preventive care programs.

The multiple pools together provide the leverage to implement innovations on a large scale. This will also stimulate competition for providing high quality benefits on the private market.

**Effective Date:** *July 1, 2009, except that the sections on identifying uninsured adults and children (§ 14, 15) and Medicaid and public education outreach (§ 13) take effect July 1, 2011, and the three task forces (§§ 16-18) take effect upon passage.*

**Vetoed by Governor, General Assembly Veto Override** (PA 09-148 | HB 6600)



### AN ACT CONCERNING REVISIONS TO THE HIV TESTING CONSENT LAW

In Connecticut, 10,860 people are reported to be living with HIV/AIDS. People who are unaware of their HIV infection cannot benefit from new highly effective treatments and may unknowingly transmit the virus to others. Early detection and management of HIV infection can delay or prevent progression to full-blown AIDS.

Connecticut's current HIV legislation was developed at a time when the HIV infection was untreatable and is an outdated barrier to implementing recommendations in healthcare settings.

The General Assembly adopted new legislation this session to align Connecticut's HIV testing laws with the Center for Disease Control's recommendations, that voluntary HIV testing and counseling become a routine part of medical care to all adults.

Specifically, the bill eliminates the requirement for separate, written or oral consent for HIV testing and instead allows general consent for the performance of medical procedures or tests to suffice; clarifies that HIV testing is voluntary and that the patient can choose not to be tested; eliminates the current requirement for extensive pre-test counseling for all HIV tests; adds a requirement that an HIV test subject, when he or she receives a test result, be informed about medical services and local or community-based HIV/AIDS support services agencies; and provides that a medical practitioner cannot be held liable for ordering an HIV test under general consent provisions.

This legislation will make it easier to perform routine HIV testing in healthcare settings and will increase the number of people that are offered an HIV test.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-33 | HB 6391)

### AN ACT CONCERNING THE CONNECTICUT HEALTH INFORMATION NETWORK

In an effort to better track and improve the health status of people in this state, the Connecticut Health Information Network (CHIN) will integrate and aggregate state health and social services data from the UConn Health Center, Office of Healthcare Access, and the Departments of Public Health, Developmental Services and Children and Families. New legislation clarifies that these agencies may disclose certain information to the network for the purpose of improving the network's information sharing capabilities without violating state confidentiality laws. Data sharing practices must still comply with all federal laws, but this step will remove barriers to data sharing, promote collaboration, and facilitate the development of CHIN.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-95 | SB 1079)



### AN ACT CONCERNING PATIENT SAFETY

When someone is experiencing a medical emergency, they expect to be safely transported to a medical facility, but that may not always be the case. The bill requires that only licensed or certified ambulance and rescue services may transport patients on stretchers in motor vehicles.

In addition, ambulances used to transport patients between hospitals must meet state regulatory requirements for basic ambulance services, including those concerning medically necessary supplies and services. The legislation permits certain medical personnel to supplement the ambulance transport, if he or she has current training and certification in pediatric or adult advance life support.

**Effective Date:** *Upon passage for inter-hospital transport; October 1, 2009 for stretcher transport.*

**Signed by Governor** (PA 09-16 | HB 6599)

### AN ACT CONCERNING THE RELEASE OF BIOLOGIC MATERIAL FOR GENETIC TESTING

Sometimes, when someone passes away, there are unanswered medical questions that can be left behind. This bill allows the testing of biologic material of a deceased person for purposes of determining paternity or a diagnosis of a life threatening illness in a living individual. The bill allows the Office of the Chief Medical Examiner to release biologic material (blood or other tissues suitable for DNA analysis) of the deceased person to a licensed clinical laboratory for such testing after obtaining written consent from the deceased person's next of kin.

The bill allows an interested person to petition the Superior Court for the judicial district in which the death occurred for an order releasing the biologic material in any case where the next of kin does not give written consent. The court can only enter an order for release of the biologic material to a licensed clinical laboratory. The laboratory may release the results of any analysis or testing to the petitioner, subject to applicable state and federal law. However, the petitioner must pay all reasonable testing and analysis costs.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-37 | HB 6598)



### AN ACT CONCERNING STATE-WIDE HEALTHCARE FACILITY PLANNING

It is important that Connecticut's healthcare system be responsive to the needs of its citizens while maintaining its viability. Many of our hospitals and healthcare facilities are struggling financially during these tough times. To allow the state to accurately assess healthcare facility needs, the Office of Healthcare Access is now required to conduct healthcare facility utilization studies annually and develop a new state healthcare facilities plan every five years.

The new state healthcare facilities plan will assess the availability of care in acute care and specialty hospitals, emergency rooms, outpatient surgical centers, clinics, and primary care sites. It will also evaluate the unmet needs of people, project future demand for healthcare services, measure the effect technology may have on the demand, capacity, or the need for services, and recommend expansion, reduction, or modification of healthcare facilities.

The Commissioner of the Office of Healthcare Access will also develop a process that encourages hospitals to incorporate this plan with their long-range planning and facilitate communication between the appropriate agencies that may affect future healthcare planning.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-77 | HB 6264)







## AN ACT CONCERNING ULTRASOUND PROCEDURES FOR MEDICAL & DIAGNOSTIC PURPOSES

This session the General Assembly passed legislation to prohibit a person from performing an obstetrical ultrasound procedure unless it is for medical or diagnostic purposes and ordered by a licensed healthcare provider acting within the scope of his or her practice.

Ultrasound is a form of energy used for many purposes in industry and medicine. At higher exposure levels, ultrasound is used for such things as shattering kidney stones.

Obstetricians use ultrasound at a very low power level to check the size, location, number and age of fetuses, the presence of some types of birth defects, fetal movement, breathing, and heartbeat. When ultrasound is used by a qualified clinician to check for this kind of information, the Food and Drug Administration (FDA) says the medical benefits far outweigh any risk. While medical use of appropriate levels of ultrasound to diagnose fetal conditions is considered safe, exposure to ultrasound for longer than the time specified by the FDA for fetal monitoring could pose a potential risk to the health of the mother and her developing fetus.

The FDA has stated people who promote, sell or lease ultrasound equipment for making 'keepsake' fetal videos should know that the FDA views this as an unapproved use of a medical device. In addition, those who subject individuals to ultrasound exposure using a diagnostic ultrasound device (a prescription device) without a physician's order may be in violation of state or local laws or regulations regarding use of a prescription medical device.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-125 | HB 5635)

## AN ACT REQUIRING THE ADMINISTRATION OF A SCREENING TEST FOR CYSTIC FIBROSIS TO NEWBORN INFANTS

Cystic fibrosis impacts one in every 3,500 babies. This bill will serve many Connecticut families by implementing screening and early detection for this life shortening genetic disorder. Most Connecticut birthing hospitals offer screening on a voluntary basis. This legislation requires all healthcare institutions caring for newborn infants to test them for cystic fibrosis. Early detection and treatment can improve health outcomes, reduce hospital stays and improve length and quality of life.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-20 | HB 6263)



### AN ACT CONCERNING THE PRACTICE OF ACUPUNCTURE

This bill enhances consumer safety and protections for patients who utilize acupuncture treatment, by ensuring they have an accurate and consistent way to recognize the qualifications of acupuncture practitioners. The legislation prohibits unlicensed individuals from using the title of “acupuncturist,” advertising acupuncture services, or using letters or insignia that implies that they are licensed acupuncturists. The bill also prohibits a person from representing himself as certified to practice auricular acupuncture for treatment of alcohol and drug abuse unless certified to do so. The bill specifies that it does not preclude someone from providing care, or performing or advertising services within the scope of his or her license or as otherwise authorized by law.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-21 | HB 6266)

### AN ACT CONCERNING THE USE OF ASTHMATIC INHALERS & EPINEPHRINE AUTO-INJECTORS WHILE AT SCHOOL

Many children with asthma and food allergies use inhalers and epinephrine auto-injectors (which administer pre-measured doses of adrenaline) to promptly treat themselves when they experience sometimes life-threatening allergic and asthmatic episodes. Under current law, not all students are permitted to carry these devices with them at all times during the school day.

Effective August 15, 2009, SB 755 requires the Department of Education to adopt regulations governing medication administration by school personnel and student self-administration. It specifies that a student diagnosed with asthma or allergies may use asthmatic inhalers and epinephrine auto-injectors for the purposes of self-administration as long as a parent or guardian authorizes use by submitting appropriate paperwork to the school nurse. The bill also adds licensed athletic trainers employed by a school board to the list of school personnel permitted to administer medication to students under the general supervision of a school nurse.

While school boards do not have to allow medication administration by school personnel and student self-administration, if they do, they must follow these regulations. Finally, the bill requires school boards to make policies regarding students with life-threatening food allergies publicly available on the Internet or other school forum.

**Effective Date:** *August 15, 2009*

**Signed by Governor** (PA 09-155 | SB 755)



### AN ACT CONCERNING THERAPEUTIC CONTACT LENSES

This legislation will expand patients' access to a new treatment for eye allergies. Optometrists will be able to prescribe therapeutic contact lenses, once they are approved by the federal Food and Drug Administration. Because many contact lens-wearers also suffer from eye allergies, this bill will make this revolutionary technology more easily accessible, as patients will be able to obtain it directly from their optometrists, the primary suppliers of contact lenses.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-58 | SB 781)

### AN ACT CONCERNING A DEPARTMENT OF CHILDREN AND FAMILIES CHILD ABUSE & NEGLECT REGISTRY CHECK FOR APPLICANTS OF EMPLOYMENT WITH THE DEPARTMENT OF DEVELOPMENTAL SERVICES OR THE DEPARTMENT'S PROVIDERS

People receiving services from the Department of Developmental Services should be assured that they are receiving them from safe, qualified personnel. This bill permits the Department of Developmental Services (DDS) to require anyone applying for a job with the department, or a provider it licenses or funds, to submit to a background check of the Department of Children and Families' child abuse and neglect registry. Existing law allows the Department of Social Services to require applicants for a job in a DDS program, which provides direct services to clients, to submit to a state criminal history background check and requires private providers to establish written policies requiring such checks.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-85 | SB 756)

### AN ACT CONCERNING THE USE OF LONG-TERM ANTIBIOTICS FOR THE TREATMENT OF LYME DISEASE

Beginning July 1, 2009, this bill allows a licensed physician to prescribe, administer, or dispense long-term antibiotic therapy to a patient for the purpose of eliminating infection or controlling symptoms if (1) a diagnosis is made that the patient has Lyme disease or symptoms consistent with the disease and (2) the physician documents the diagnosis and treatment in the patient's medical record.

Also beginning July 1, 2009, the bill prohibits (1) the Department of Public Health from initiating disciplinary action against a physician and (2) the Connecticut Medical Examining Board from taking disciplinary action, solely because the physician prescribed, administered, or dispensed long-term antibiotic therapy to a patient diagnosed with Lyme disease.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-128 | HB 6200)



### AN ACT CONCERNING CUSTOMER ACCESS TO RESTROOMS IN RETAIL ESTABLISHMENTS

In Connecticut, tens of thousands of adults and children suffer from Crohn's disease, ulcerative colitis, and other inflammatory bowel diseases, which irritate the gastrointestinal tract and make access to restrooms necessary. This bill allows people with certain medical conditions access to employee restrooms in retail stores during normal business hours. If the customer presents a note from a licensed healthcare provider that documents that the customer suffers from an "eligible medical condition" (i.e., Crohn's disease, ulcerative colitis, inflammatory bowel disease, irritable bowel syndrome, celiac disease, or a medical condition requiring use of an ostomy device) and a public restroom is not immediately available to the customer, then the customer may use an employee restroom.

The bill also provides protection from liability for retail establishments and employees under certain conditions, and does not require an establishment to make physical changes to the employee restroom to accomplish the bill's purposes.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-129 | HB 6328)

### AN ACT CONCERNING HEALTHCARE COST CONTROL INITIATIVES

In addition to the major healthcare reform proposals passed this year, the legislature also implemented several reform measures aimed at controlling healthcare costs. Among the major costs associated with healthcare are prescription drug expenses.

The state purchases significant quantities of prescription drugs for the healthcare programs it operates for state employees and other residents. In an effort to consolidate this purchasing, SB 1048 directs the Commissioners of the Departments of Social Services, Administrative Services, Public Health, and Insurance and the Comptroller to develop a plan for the bulk purchasing of pharmaceuticals by December 31, 2009. The plan must implement and maintain a prescription drug purchasing program for HUSKY Part B, State Administered General Assistance (SAGA), Charter Oak Plan and ConnPACE recipients, Department of Correction inmates, and people eligible for insurance under the state employee and municipal employee health insurance plans. Similar to the principle behind the Connecticut Healthcare Partnership, bulk purchasing of pharmaceuticals will permit the state to utilize its bargaining power and negotiate lower prices, which will ultimately save taxpayer dollars.

Under another provision of this bill, hospitals will be prohibited from seeking payment for "never events," preventable medical errors that result in serious consequences, such as objects left inside patients after surgery and surgical infections.

**Effective Date:** *July 1, 2009 for the bulk purchasing provisions; October 1, 2009 for the imaging service provision; and January 1, 2010 for the provision on hospital and outpatient surgical facility billing for hospital-acquired conditions.*

**Signed by Governor** (PA 09-206 | SB 1048)



## AN ACT CONCERNING ACCESS TO HEALTH & NUTRITIONAL INFORMATION IN RESTAURANTS

In an effort to help consumers make informed choices about what they eat, chain restaurants will be required to disclose the calorie counts for items on their menus starting July 1, 2010. The new law will apply to restaurants that have 15 or more locations nationally and whose menus are predominantly the same. Calorie counts will be posted on printed menus, menu boards inside restaurants and at drive-throughs, and on menu tags at salad bars and buffets. Several other states throughout the country have similar laws.

**Effective Date:** *July 1, 2009, except that the provision on authorized agents' inspections takes effect July 1, 2010.*

**Vetoed by Governor** (PA 09-157 | SB 1080)





## AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF PUBLIC HEALTH LICENSURE STATUTES

In an ongoing effort to ensure Connecticut residents have access to high quality and safe care, this bill make several changes to the public health laws impacting professionals licensed by the Department of Public Health (DPH) and other programs operated or regulated by the state.

Among its provisions, the bill establishes mandatory continuing education requirements for veterinarians so they may maintain competency even as treatment techniques change over time. To ensure doctors are able to treat patients of diverse background, the bill also requires that cultural competency be part of the continuing education requirements for physicians.

In recent years, the merits of umbilical cord blood donation have become increasingly apparent. Umbilical cord tissue contains stem cells that may be transplanted into patients for treatment of serious illnesses, including cancers, sickle cell disease, brain tumors, and osteoporosis. The bill requires physicians and healthcare providers caring for pregnant women to provide them with information on umbilical cord blood donations and banks, following delivery.

To protect the health and safety of Connecticut residents, this legislation requires DPH to set minimum equipment requirements for ambulances and other rescue vehicles based on national standards.

In order to take advantage of funds related to health information technology under the federal stimulus package, the legislation creates a health information technology and exchange advisory committee. It also designates DPH as Connecticut's lead health information exchange agency, so that it may apply for and distribute federal funds. The committee will advise DPH on implementing a plan, protocols and standards for this technology.

To address healthcare costs stemming from pharmaceuticals, this bill creates an academic detailing program to provide independent and unbiased information on the therapeutic benefits and cost-effectiveness of various pharmaceuticals to prescribers. Currently, much of the information available to physicians, pharmacists and other healthcare professionals about prescription drugs originates from pharmaceutical companies. Developed by the University of Connecticut Health Center, in consultation with the Yale School of Medicine, the program will provide an evidenced-based outreach and education program on prescription drugs. Making a new source of independent information accessible to prescribers will help them to make well-informed choices, taking into account the full spectrum of drug options available to consumers.

**Effective Date:** *October 1, 2009, (except for the sections on (1) the Health Equity Commission, geothermal wells, and repeal of the school-based health center entrance requirement, which take effect on passage and (2) home health agency inspections and umbilical cord blood, which take effect on July 1, 2009.*

**Signed by Governor** (PA 09-232 | HB 6678)



## Public Safety

### AN ACT CONCERNING FIREFIGHTER I CERTIFICATION REQUIREMENTS

This legislation requires fire police officers directing traffic to wear, at all times, a reflective traffic vest or coat that meets national, state, and local safety standards, and allows such officers to wear headgear that meets national, state, and local safety standards.

The legislation specifically allows a fire chief to appoint fire department members as fire police officers. The bill allows officers functioning in their official capacity to exercise their powers and carry out their duties in any town. Fire police officers direct traffic and have other responsibilities at fire scenes.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-137 | HB 6541)

### AN ACT CONCERNING SCHOOL CRISIS RESPONSE DRILLS & FIRE DRILLS

The potential dangers facing our children during the school day go beyond the threat of fires. To accommodate such, this bill requires school boards to substitute crisis response drills for some of the monthly fire drills required in schools. These crisis response drills should be performed once every three months. The bill also requires the boards to conduct a fire drill within 30 days of the start of the school year.

The bill requires the boards to work with local law enforcement agencies to develop the crisis response drill format and allows a law enforcement agency representative to supervise and participate in the drill.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-131 | SB 760)







## AN ACT CONCERNING ADOPTION OF A MODEL ENERGY CODE & GREEN BUILDING STANDARDS

Green building standards are building codes that require new construction to be more environmentally friendly. Green buildings are rated on many factors including energy efficiency, use of renewable energy, water conservation, indoor air quality, reuse of existing buildings and building materials, and environmentally sensitive site design.

This bill makes existing green building standards more workable by tightening the scope of standards and delaying the date the standards take effect. It requires the state building inspector and Codes and Standards Committee to establish the threshold size for buildings subject to the standards.

The bill also increases the membership of the Codes and Standards Committee, from 17 to 18, by adding a member with expertise in matters relating to energy efficiency.

**Effective Date:** *Upon Passage*

**Signed by Governor** (PA 09-192 | HB 6284)

## AN ACT CONCERNING PAINTBALL SAFETY

This act requires paintball facilities to instruct anyone under age 18 on the safe use of paintball equipment. The instruction on safe use of paintball guns may include a short video presentation on proper safety equipment and procedures; verbal instruction by the facility's staff; or a short written or oral examination on safety measures, which involves explaining any incorrect responses to the participant.

After completing the instruction, the facility must issue a certificate of completion to the participant.

The act also requires minors using paintball guns on public or private property to wear eye protection.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-113 | SB 825)



### AN ACT CONCERNING MUNICIPAL ENFORCEMENT OF OCCUPATIONAL LICENSURE LAWS

State law establishes a licensing system for several construction trades. This bill encourages municipal enforcement of occupational licensing laws by giving municipal building departments a share in the revenue collected for violations of such laws. Municipal building officials currently inspect construction work done in their towns and, under this act, if an individual is found performing that work without a valid license, the municipality gets half the revenue from fines collected for working without a license.

The bill also expands the definition of “heating, piping and cooling work” and defines millwright work.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-153 | SB 849)

### AN ACT CONCERNING ADDITIONAL OFF-TRACK BETTING BRANCH FACILITIES

State law establishes a licensing system for several construction trades. This bill encourages municipal This bill increases the number of off-track betting (OTB) facilities that may act as simulcasters from 10 to 12, of the 18 currently authorized OTB facilities, and requires that one be in Milford and the other in Putnam. The bill further authorizes and specifies that the Division of Special Revenue must approve the addition of simulcasting to an existing OTB facility and requires the legislative body of the town to approve the expansion as well.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-132 | HB 6358)

### AN ACT SHIELDING FIRE DEPARTMENTS THAT INSTALL SMOKE & CARBON MONOXIDE DETECTORS FROM LIABILITY

Many fire departments across Connecticut install smoke and carbon monoxide detectors in homes in accordance with the manufacturers’ instructions at no cost to the homeowner. Some municipal fire departments even provide the actual lifesaving items free to residents who are unable to afford them. However, there is a growing fear among some fire chiefs that if any part of the detector is faulty, the fire department would be held liable. Some fire departments have actually shut down this assistance program because of this fear. This session the General Assembly passed proactive legislation that provides immunity from liability.

The legislation specifically exempts fire departments from liability for civil damages for personal injury, wrongful death, property damage, or other loss when they deliver or install smoke or carbon monoxide detectors or batteries for these devices at residential premises. The devices must be new, meet all applicable current safety and manufacturing standards, be installed in accordance with the manufacturers’ instructions, and be installed or delivered in the department’s official capacity for this exemption to apply.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-78 | HB 6286)



### AN ACT AUTHORIZING CASH PRIZES FOR BLOWER BALL GAMES

Non-profit organizations who have obtained a bazaar permit will be able to raise thousands of dollars of income with this legislation. This bill allows fraternal, charitable and other organizations to conduct bazaars to award cash prizes of up to \$50 for “blower ball” games. A “blower ball” game is a game of chance in which players wager on a color or number and winners are determined by the drawing of a colored or numbered ball from a mechanical ball blower that mixes ping pong balls with blown air.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-34 | HB 6287)

### AN ACT CONCERNING AN ENHANCED 911 SERVICE DATABASE

In the event of an emergency, public safety departments and municipalities may need to contact and spread information to residents quickly. This legislation will now allow municipalities to use the state’s enhanced 9-1-1 database at no charge, to provide the most up-to-date emergency information available. Such a system, also known as “Reverse 9-1-1,” will provide the ability to call residents and deliver short messages regarding emergency events to greatly enhance a municipality’s ability to protect the safety of its residents.

The legislation also makes residents’ contact information confidential and exempt from the Freedom of Information Act.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-86 | SB 761)

### AN ACT CONCERNING EXPOSURE TO INFECTIOUS DISEASES & EMERGENCY RESPONDERS

Public safety personnel deserve to be informed when they come into contact with individuals with infectious diseases. This bill requires hospitals to timely notify an emergency service organization (ESO), such as an ambulance company, when a patient the ESO attended, treated, assisted, handled, or transported to the hospital is diagnosed with infectious pulmonary tuberculosis. The bill prohibits the hospital from revealing the patient’s identity.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-76 | SB 1010)



## Seniors

### AN ACT CONCERNING THE NURSING HOME BILL OF RIGHTS

Too often people lose even the most basic rights when they move into nursing homes. The nursing home bill of rights was designed to help ensure the privacy and dignity of people living in nursing homes. The bill of rights currently prohibits nursing homes from requiring patients to provide a third party guarantee of payment from a family member or guardian as a condition of admission, expedited admission, or continued stay in the facility. It also prohibits nursing homes from approaching third parties directly and requesting guarantees for patients receiving Medicaid. New language closes a loophole by expanding the prohibition on soliciting third party guarantees to all patients, not just those receiving Medicaid. Finally, the bill specifies that the rights enumerated by the bill of rights cannot be reduced, rescinded or repealed by contract.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-168 | SB 455)

### AN ACT CONCERNING TRAINING IN PAIN MANAGEMENT

As people age or become incapacitated due to medical or psychiatric disability, it may become more difficult for them to express their needs. These individuals are a significant portion of the population of long-term care residents. It is therefore imperative that caregivers be trained to observe and assess pain and understand the best management techniques to relieve that pain.

Since nonverbal signs and behaviors are the only mean of communicating for some long-term residents, education about nonverbal communication is desperately needed. Pain recognition and administration of pain management techniques are a patient's right.

To help these patients, the General Assembly passed legislation requiring all nursing home facilities, except residential care homes, to provide at least two hours of annual training in pain recognition and administration of pain management techniques to all licensed and registered direct care staff and nurse's aides who provide direct patient care. Current law already requires this for all Alzheimer's special care units or programs.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-108 | SB 243)



### AN ACT CONCERNING THE STATUS OF THE MONEY FOLLOWS THE PERSON PROJECT

In 2005, Congress enacted the Money Follows the Person (MFP) provision as a way to encourage states to reduce long-term care spending by moving individuals from nursing homes or other institutions into less-restrictive, community-based settings. The law requires that program participants reside in the nursing home for at least six months and need a nursing home level of care once they leave.

In order to add more transparency and accountability to the process of implementing the MFP program, the General Assembly passed legislation that will keep the legislature informed of progress and maintain public awareness of the project.

This legislation requires the Department of Social Services (DSS) commissioner to provide MFP status reports to the Human Services and Aging committees, semiannually, starting October 1, 2009.

The commissioner of DSS already must prepare status reports to the federal Department of Health and Human Services. Under this legislation, future reports as well as any past reports submitted to the federal government must be forwarded to the Human Services and Aging committees.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-17 | HB 5297)

### AN ACT CONCERNING DISCLOSURE OF ELIGIBILITY REQUIREMENTS FOR SENIOR CITIZEN DISCOUNT PROGRAMS

To help seniors take better advantage of senior citizen discounts offered by businesses, the legislature passed a new law to provide seniors with greater access to and understanding of senior citizen discount programs. This bill requires an individual, firm, or corporation that sells goods and services to the public and offers senior citizen discounts to disclose eligibility requirements conspicuously by placing a sign at the point of display, cash register, or store entrance stating the qualifying age and discount percentage or dollar amount. The consumer protection commissioner may assess a \$50 civil penalty for violation of these provisions.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-53 | HB 5674)



### AN ACT ESTABLISHING A SILVER ALERT SYSTEM

This bill, modeled after the federal Amber Alert system for abducted children, requires the Department of Public Safety (DPS) to collect, process, maintain, and distribute information to help find missing seniors or mentally impaired adults. If a missing person's relative, legal representative or nursing home administrator files a DPS missing person report, local police departments notify all on-duty police officers and other appropriate law enforcement agencies to assist in finding the missing person. Silver Alert programs create an emergency notification system for law enforcement agencies to broadcast local, regional, or statewide public alerts for missing seniors and other individuals with cognitive impairments, including Alzheimer's disease. Broadcasts may be issued using radio, television, and electronic highway signs.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-109 | SB 451)

### AN ACT CONCERNING PERSONAL CARE ASSISTANCE SERVICES UNDER THE CONNECTICUT HOME CARE PROGRAM FOR THE ELDERLY

Many seniors are able to remain in their homes longer, delay their entrance into nursing homes, and continue to enjoy their independence if they can obtain affordable homecare support services. Continuing the state's efforts to improve access to quality homecare services and keep people living in their communities, this legislation requires the Department of Social Services (DSS) to provide personal care assistance (PCA) services under the Connecticut Homecare Program for Elders (CHCPE) if these services are (1) not available under the Medicaid state plan, (2) more cost effective on an individual client basis than existing Medicaid state plan services, and (3) approved by the federal government.

Personal care assistants provide nonmedical care, such as assistance with bathing, dressing, or eating. PCA services provide an alternative to nursing homes or agency-provided home care. Under these programs, participants hire their own assistants to help with personal care and activities of daily living instead of going through a home healthcare agency. The participant hires and manages the assistant, but a financial intermediary handles the paperwork.

**Effective Date:** *April 1, 2010*

**Signed by Governor** (PA 09-64 | SB 814)



### AN ACT CONCERNING PRESCRIPTION EYE DROP REFILLS

Many people with glaucoma and other eye conditions require therapeutic eye drops to manage their disorders. Because eye drops can be difficult to administer, the one or three month supplies that prescription insurance policies pay for may not last through the next refill date. Patients may need refills sooner than insurers are willing to provide them. This bill benefits patients by prohibiting certain health insurance policies that provide prescription eye drop coverage from denying coverage for prescription renewals when (1) the refill is requested by the insured less than 30 days from either (a) the date the original prescription was given to the insured or (b) the last date the prescription refill was given to the insured, whichever is later, and (2) the prescribing physician indicates on the original prescription that additional quantities are needed and the refill requested by the insured does not exceed this amount.

**Effective Date:** *January 1, 2010*

**Signed by Governor** (PA 09-136 | HB 6540)







## Transportation

### AN ACT CONCERNING THE IMPOUNDMENT OF VEHICLES USED FOR ILLEGAL STREET RACING

Illegal street racing has created a threat to public safety across Connecticut cities and towns—many times resulting in serious accidents. This bill creates new penalties for illegal street racing and requires that the vehicle used for racing be impounded for 30 days. Violators already face a fine of up to \$600 and one year in prison for a first offense. This bill stipulates that anyone racing a vehicle not registered to them may face a fine up to \$2,000 for the first offense and up to \$3,000 for each subsequent offense.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-120 | HB 5262)

### AN ACT ESTABLISHING A “MOVE OVER” LAW IN CONNECTICUT

This bill requires a motorist approaching one or more stationary emergency vehicles located on the travel lane, breakdown lane, or shoulder of a highway to (1) immediately slow down to a reasonable speed below the posted speed limit and (2) if traveling in the lane adjacent to the location of the emergency vehicle, move over one lane, unless this would be unreasonable or unsafe.

**Effective Date:** *October 1, 2009*

**Signed by Governor** (PA 09-121 | HB 5894)

### AN ACT IMPROVING BICYCLE AND PEDESTRIAN ACCESS

Everyday, Connecticut residents bike or walk to work, school, or for leisure. Improving access for bikers and pedestrians makes Connecticut residents safer and helps to strengthen neighborhoods.

#### **This bill:**

- 1) requires, beginning October 1, 2010, a minimum of 1% of the total funds received in any fiscal year by the Department of Transportation (DOT) and any municipality for construction, restoration, rehabilitation, or relocation of any highway or street to be spent to provide facilities for “all users” including, at least, bikeways and sidewalks with curb cuts or ramps;
- 2) establishes an 11-member Connecticut Bicycle and Pedestrian Advisory Board to report to the governor, transportation commissioner, and the Transportation Committee on actions, policies, and procedures that improve the bicycling and walking environment in Connecticut; and
- 3) requires the transportation commissioner to report, later this year and next year, to the Transportation Committee and the advisory board with a list of transportation projects the agency has undertaken that contain bicycle and pedestrian access.

**Effective Date:** *July 1, 2009*

**Signed by Governor** (PA 09-154 | SB 735)

**AN ACT CONCERNING THE FUNCTIONS OF THE DEPARTMENT OF MOTOR VEHICLES**

This bill makes numerous changes to a wide variety of motor vehicle laws and operations of the Department of Motor Vehicles (DMV). These changes include, but are not limited to, reducing the blood alcohol level of intoxication for a DUI from .08% to .04% for the driver of a commercial motor vehicle, reevaluating the motor vehicle emissions inspection program to ensure it complies with federal law, creating new commemorative license plates, implementing rules governing interlock ignition devices, allowing golf carts to be driven on roads under certain circumstances, making changes to handicapped parking credentials and authorizing certain special driver's permits for higher education purposes.

**Effective Date:** *Various*

**Signed by Governor** (PA 09-187 | SB 1081)





## Veterans

### ACT CONCERNING THE USE OF HAND-HELD MOBILE TELEPHONES BY MEMBERS OF THE ARMED FORCES WHILE OPERATING A MOTOR VEHICLE

The members of our armed forces have numerous duties overseas that keep us and our freedoms safe. They also have duties that they must perform within the United States and the state of Connecticut. It is vital that we allow them to perform these duties and not impede on what they do. To do this, the legislature is now allowing members of the military, who are performing a military duty, to use their cell phones while operating a military vehicle.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-54 | HB 6410)

### AN ACT CONCERNING THE MILITARY SUPPORT PROGRAM

In light of our current conflicts overseas, the state has taken a step to ensure that those who return from both Operation Enduring Freedom (Afghanistan) and Operation Iraqi Freedom are properly cared for when they return to Connecticut. Connecticut now ensures that any member of a reserve component of the U.S. armed forces, or their dependents, can receive transitional behavioral health services when they return from service. The services will be administered by both the Department of Mental Health and Addiction Services (DMHAS) and the Department of Children and Families in conjunction with the State Department of Veterans Affairs.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-10 | HB 6406)

### AN ACT CONCERNING THE PLACEMENT OF UNITED STATES FLAGS ON THE GRAVES OF VETERANS

Connecticut understands the importance of paying respect to those who have sacrificed their lives so we may enjoy the freedoms that we do today. To further exemplify this, the legislature took action this year to ensure that all of those who lost their lives in battle would be recognized. This bill provides that all cemeteries cannot restrict individuals from placing United States flags on the graves of veterans from the Saturday before Memorial Day through the Fourth of July.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-5 | HB 5138)



## AN ACT CONCERNING RETIREMENT FROM MILITARY SERVICE

This session the General Assembly took steps to resolve an inequity in the retirement promotion system by recognizing National Guard enlisted members in the same way it recognizes its officers. Due to lack of authorizations, many senior officers and enlisted members have not been promoted in their careers even though they were qualified and it was well deserved.

Currently all officers and warrant officers can be placed on the state's National Guard list of retirees. State statute also allows military officers to be promoted to the next highest rank from the level they retired from. This promotion is a state recognition of service and is recognized only in the State of Connecticut.

Being on this list requires certain conditions and guarantees certain benefits: members on the retired list serve without pay (unless called to active duty); must be withdrawn from command and line of promotion; are subject to the National Guard's rules and regulations; may wear, within the limitations of law and regulations, the uniform of the rank at which they retired; and may, if they consent, be detailed from the retired list and placed on active duty at any time, at the governor's order. When on such duty, they are entitled to the same pay and allowances as officers of a similar grade on the active list.

In order to provide equity between the National Guard enlisted members and its officers, this legislation makes all enlisted guard members, who meet certain service criteria, such as serving for at least ten years, eligible to be placed on the National Guard list of retirees. It also allows the enlisted members to be commissioned and placed on the list at the next highest grade at which he or she was ever commissioned, but no higher than a General, if he or she served for at least twenty years.

The bill also sets the mandatory retirement age for all Guard members, not just officers and warrant officers, at 64 or as set by federal and state laws and regulations governing the National Guard.

This law would provide some relief to National Guard members without the expense of increased compensation or benefits. Such recognition is highly merited for deserving members of Connecticut's armed forces.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-4 | SB 86I)



## AN ACT CONCERNING ELIGIBILITY FOR BENEFITS FOR VETERANS IN SERVICE IN TIME OF WAR

This bill expands the pool of people eligible for veterans' war service benefits by changing the start and end dates of Operation Earnest Will (escort of Kuwaiti oil tankers flying the U.S. flag in the Persian Gulf.) The benefits include property tax exemptions, public college tuition waivers, and financial help from the Soldiers, Sailors and Marines Fund.

The new dates of service are set from July 24, 1987, to August 1, 1990 as defined by the Department of Defense regulations. The bill also specifies that the 90 days' qualifying service required for veterans' wartime service benefits do not have to be consecutive. By law and unchanged by the bill, a veteran does not have to meet the 90-day requirement if he or she left the service earlier because of a service-connected disability or served for the duration of a war or operation that lasted less than 90 days.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-117 | SB 1063)

## AN ACT CONCERNING THE MILITARY FAMILY RELIEF FUND

The Military Family Relief Fund is used by the Military Department for grants to pay for essential personal or household goods or services in Connecticut, if paying for them is a hardship because of a member's service.

The program, as it exists now, only helps Armed Forces members and their families while on active duty, although many hardships associated with military service manifest themselves after a service member returns home. To help these struggling families, the General Assembly passed legislation that makes immediate relatives of Connecticut armed forces members, including Connecticut National Guard members, who are not on active duty eligible to receive benefits from the Military Family Relief Fund.

**Effective Date:** *Upon passage*

**Signed by Governor** (PA 09-163 | HB 6394)